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for
The Pacification of
Ireland:

THE FULL TEXT OF
THE PREMIER'S SPEECHES AND THE BILLS.

APRIL, 1886.

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Ireland:

THE FULL TEXT OF

- I.—The Premier's Two Speeches on the Home Rule Scheme;
- II.—The Home Rule Bill;
- III.—The Premier's Speech on Land Purchase;
- IV.—The Land Purchase Bill.

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S P E E C H

OF THE

RIGHT HON. W. E. GLADSTONE, M.P.,

INTRODUCING THE

HOME RULE BILL,

- Thursday, 8th April, 1886.

In the House of Commons on Thursday, April 8th,

Mr. GLADSTONE, who rose at 35 minutes past four, was received with loud and long continued cheers. He said—I could wish, Mr. Speaker, on many grounds that it had been possible for me on this single occasion to expound to the House the whole policy and intentions of her Majesty's Government with reference to Ireland. The two questions of the Land and of Irish Government are in our view closely and inseparably connected. They are two channels through which we hope to find access to that vital question of

SOCIAL ORDER IN IRELAND.

These two questions are in our view—if in that of nobody else—inseparable the one from the other, but it is impossible for me to undertake the task of elucidating both questions together, considering the mass of materials I have already got before me, which I may say is so enormous that I do not know that at any period a task has been laid upon me involving such and so deversified an exposition, and it would be in vain to attempt more than human strength could, I think, suffice to achieve. Sir, I am, in contemplating the magnitude of the task, filled with painful mistrust (Opposition cheers), but the mistrust is, I can assure you, absorbed in a proper feeling of the responsibility that would be upon me if I should fail to awaken the public interest (cheers), if I should fail to bring home to the public mind as much as I seem to perceive it in my own mind the magnitude of the varied aspects of the question. Sir, what I wish is, that we should no longer fence and skirmish with this question (Irish cheers), but that we should come to

CLOSE QUARTERS

with it (cheers)—that we should get, if we can, at the root of it—that we should take means, not merely for the wants of to-day or of to-morrow, but, if possible, that we should look into the more distant future—that we should endeavour to anticipate and realise the future by the serious reflection that we should, if possible, unroll it in anticipation before our eyes, and make provision while there is yet time for the results that may await upon a right or a wrong measure of yesterday (loud cheers). Mr. Speaker, on one point I rejoice to think we have the material I might say of

FINAL AGREEMENT.

It is felt on both sides of the house, unless I am much mistaken, that we have arrived at a stage in our political arrangements with Ireland where two roads part one from the other, not soon probably to meet again (hear, hear). The late Go-

vernment—I am not now referring to this as a matter of praise or blame, but simply as a matter of fact—felt that they had reached a moment for decisive resolution, when they made the announcement on the last day of their Ministerial existence that their duty compelled them to submit to Parliament proposals for further repressive criminal legislation. Sir, we entirely agree with that conclusion, and we think that the time is come when it is the duty of Parliament—when it is the honour of Parliament and its duty—to require that it should endeavour to come to some decisive resolution on this matter, and our intention is, sir, to propose to the House of Commons that which we think, if happily accepted, will liberate Parliament from the restraints under which of late years it has ineffectually struggled to perform the business of the country—that will restore legislation to its natural, ancient, and unimpeded course, and that, above all, will obtain an answer whether it is or is not possible to establish good and

HARMONIOUS RELATIONS BETWEEN ENGLAND AND IRELAND

(hear, hear), by those free institutions to which Englishmen, Scotchmen, and Irishmen are unalterably attached (loud cheers, which were prolonged by the Home Rule members). Now, sir, when I say that we are inevitably called on to deal with the subject of social order in Ireland do not let me for a moment either be led myself or lead others into the dangerous path of exaggeration of crime in Ireland. Agrarian crime is, I rejoice to say, not what it was in other days—days now comparatively distant—days which are within my own earliest recollections as a member of Parliament. The Government of Lord Grey proposed to Parliament a Coercion Act. At that time the information at their command did not distinguish between agrarian and ordinary crime as the distinction is now drawn at the present time. It is pleasant to tell the house that the serious agrarian crimes of Ireland, which in 1881 were 1,011, in 1885 were 245 (hear, hear). If I go back to the period of 1832 the contrast is, perhaps, still more startling. In 1832 the homicides in Ireland were 248, in 1885 they were 65. The cases of intention to kill in the first of these years were 209—I mean intent to kill happily unfulfilled; in 1885 they were 37. Serious offences of all kind in Ireland in 1832 were 6,014; in 1885 they were 1,057. The whole of the criminal offences in Ireland in the former year were 14,000, and in the latter year 2,633. So far, therefore, we are helped to know that the case we have now to deal with is one of the most extreme and at the present moment it is one which

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THREATENS THE GENERAL PEACE OF SOCIETY.

Notwithstanding that, sir, in order to lay the ground for the present measure, we ask leave to introduce, and I am aware that it does require a real broad and solid ground to be offered in order to justify the introduction of such a measure. In order to lay that ground I must ask the house to enter into a brief review of the general features of that which had been our course with regard to what has been called coercion or repressive criminal legislation. And, sir, the first point to which I would call your attention is that whereas exceptional legislation, which involves exceptional provision in the law, ought itself in its own nature to be essentially and absolutely exceptional, that legislation has become not only exceptional but habitual (cheers). We are like the man who, knowing that medicine may be the means of lengthening his years, lives upon medicine. But nations no more than individuals can find sustenance in that which is meant to be a cure (cheers). But has it been a cure? Have we found the object we desired—and honestly desired—to obtain? No, sir. Agrarian crime has sometimes upon a larger and sometimes upon a smaller scale been as habitual in Ireland as the legislation which has been introduced to repress it (hear, hear), and that agrarian crime, although at the present time it is almost at low water mark, has a fatal capacity of expansion under stimulating circumstances, and it rises from time to time, as it has risen in 1885, to an extent which is alarming, and which has become threatening to the general social order and to the peace of private and domestic life (hear, hear), ought, sir, to have observed when I compared the agrarian crime of 1832 with that of 1885 that the decrease of crime is not so great as it looks, when compared with the population. The population of Ireland in 1832 was nearly 8,000,000; whereas, as at present it may be taken at 5,000,000; but the exact proportion of crime I believe is very fairly represented by the figures I will now give. The population of Ireland now is under two-thirds of what it was in 1832, and the crime is under one-fifth of what it was then. This is simply the external manifestation, and that manifestation is three-fold. In the first place, with certain exceptions, for the class of winter juries it is impossible to depend in Ireland upon

THE FINDING OF A JURY

in a case of agrarian crime according to the facts as they are viewed by the Government, by the judges, and by the police. I think at large that is a most serious mischief passing down very deep into the groundwork of civil society. It is also, sir, a mischief where evictions are resorted to by landlords, possibly in various cases unnecessarily (cheers). But in every case these evictions—good, bad, and indifferent as to their justification—stand pretty much in the way of the same discredit; and finally, sir, it is not to be denied that there is a great interference with individual liberty. I am not on this occasion about to assume the tone of fallacy (laughter). There is a good deal of intimidation in England, and if we, the English and the Scotch, were under a conviction that we had such grave cause to warrant irregular action, as is the conviction entertained by a very large part of the population in Ireland, I am not quite sure that we should not like that part of the population in Ireland to resort to the rude and the unjustifiable remedy

I am very ambitious on this important occasion to gain one object, and that is not to treat this question controversially. I have an object in view, and I do not despair of attaining it. I will not enter into the question whether there is ever intimidation in England or whether there is not. I will simply record the fact with which I thought it was just to accompany the confession with regard to ourselves that intimidation does prevail although not to the extent that is supposed, but yet to a material and painful extent. Now, sir, the consequence of all this is to weaken generally the respect for law and order, and that amongst a people who, I believe, are as capable of attaining to

THE VERY HIGHEST MORAL AND SOCIAL STANDARD of any people upon the face of the earth (cheers). So much for Coercion. If I use the phrase it is for brevity as representing repressive legislation. But there is one circumstance to which I can't help calling the special attention of the house. Nothing has been more painful to me than to observe that in this matter we are not improving, but on the contrary we are losing ground. Since the last half century dawned we have been steadily engaged in extending as well as consolidating free institutions. I divide the period since the Act of Union with Ireland into two—the first from the year 1800 to 1832, the epoch of what is still justly called the great Reform Act, and secondly, from 1833 to 1885. I do not know whether it has been as widely observed as I think it deserves to be that in the first of these periods, a period of 32 years, there was no less than eleven years—it may seem not much to say, but wait for what is coming—eleven years of these 32 years, in which our statute book was free throughout the whole year from repressive legislation of an exceptional kind against Ireland. But in the 53 years since we have advanced far in the career of Liberal principles and action, and in these 53 years, from 1833 to 1885, there are but two years which are entirely free from the action of this special legislation (hear, hear). Is that not of itself almost enough to prove that we have arrived at a point where it is necessary that we should take a careful and searching survey of our position, for, sir, I would almost venture, trusting to the indulgent interpretation of the house, to say that the coercion we have heretofore employed has been a

SPURIOUS INEFFECTUAL COERCION, and if there is to be coercion—God forbid—but if there is to be, it ought to be adequate to attain its end. If it is to attain its end it must be different in itself, different in its administration, enforced with a spirit, a courage, and consistency other than that with which we have been heretofore familiar (hear, hear). Well, what other result has been produced? This above all—and now I am coming to what I consider to be the basis of the whole mischief—that the law, whether right or wrong, is in point of fact discredited in Ireland, and discredited on this account among the people of Ireland—that it comes to them with a foreign aspect (Parnellite cheers), in a foreign garb (cheers). These coercion bills of ours, of course—for it has become a matter of course, but I am speaking of facts not of merits—these coercion bills themselves are resisted by members who represent Ireland in Parliament. The English mind by actions of this kind and the tone of the Press towards them, is estranged towards Ireland, and the mind of the Irish people is estranged towards England and Scotland (hear, hear). I will not speak of other circumstances

not think I am assuming too much when I say I have shown in this comparatively short review, though I wish it could have been briefer, still enough to show, that if coercion is to be the basis of our policy we must no longer be seeking—as we are always laudably seeking—to whittle it down almost to nothing at the first moment we can, but we must, like men, adopt it boldly and sternly enforce it until its end is completely attained, with what result, and peace, good-will, and freedom, I do not now stop to inquire (cheers). Ineffectual and s;urious coercion is morally worn out; and, sir, I give some credit to the late Government for their first perception of this fact. They must have perceived it when they came to the conclusion in 1885 that they would not propose the renewal or continuance of repressive legislation. They were in a position in which it was comparatively easy for them to propose it as a Conservative Government—comparatively easy, in my opinion, as a Conservative Government following in the footsteps of a Liberal Government (“Hear, hear,” from the Ministerial benches”), but they determined not to propose it (cheers). Sir, I wish I could feel assured that they and that party by which they are supported were fully aware of the immense historic weight of that determination. I have sometimes heard language used which appeared to betoken an idea on the part of those who used it that this was a very simple matter, that they had on a certain state of facts acted in one way in July and judged on another state of facts in another way in January, and that consequently the whole ought to be effaced from the minds and memory of men in order that they might revert to the position in which they stood twelve months ago. Sir, rely upon it, the effects of that decision of July can

NEVER BE EFFACED.

(Ministerial and Irish cheers.) Do what you will it will weigh and it will tell upon the fortunes and the circumstances both of England and of Ireland (hear, hear). The return to the ordinary law cannot, I am afraid, be said to have succeeded, immediately, or almost immediately, after the lapse of the Crimes Act boycotting increased fourfold, and since that time it has been about stationary, but in October it had increased fourfold as compared with what it was in the month of May, just before the retirement of Earl Spencer. If it be true that resolute coercion ought to take the place of irresolute coercion, if it be true that our system, such as I have exhibited it, has been—and do not let us hide it from ourselves; we cannot hide it from the world—a failure in regard to repressive legislation, will that other coercive legislation which it is possible to conceive be more successful? Well, sir, I can conceive the circumstances, and in history we might point to the circumstances in which coercion of that kind, stern, resolute, consistent, might be, and has been, successful. But, in my judgment, it requires essentially two conditions, and those are the autocracy of Government and secrecy of public transactions (cheers). Give those conditions, and the kind of coercion to which I am referring might possibly succeed, but will it succeed in the light of day? (Hear, hear.) And can it be administered by the people of England and Scotland against the people of Ireland (Cries of “No”)—the two nations, perhaps the most free of all on earth—I need hardly except America—who best understand and who are most fond of the touch of the essential principles of of union and liberty? (Cheers.) Now, sir, I ven-

pect any broad exception can be taken. I won't assume, I won't beg the question whether the people of England and of Scotland will ever administer that sort of effectual coercion which I have placed in contrast with our timid and hesitating repressive measures, but this I will say, that the people of England and Scotland will not resort to that alternative until they have

TRIED EVERY OTHER MEANS

(loud cheers). Have they yet tried every other means? (“No, no” from the Parnellites). Some we have tried to which I will refer. I have been concerned in them myself, but we have not yet tried every alternative (loud cheers), because there is one not unknown to human experience—on the contrary, it is well known to many countries in the world where this dark and difficult problem has been solved by the comparatively natural and simple, though not always easy expedient of

STRIPPING THE LAW OF ITS FOREIGN GARB, and investing it with a domestic character (loud cheers). There may be many who say that that will not succeed. I by no means beg that question at this moment, but this I say, that Ireland, as far as I know, and speaking now of the great majority of the people of Ireland, supposes and thinks it will succeed, and that experience elsewhere, as perhaps I shall try to show, supports that conclusion (renewed Irish cheers). This at any rate I think you will not question, that the case of Ireland, though she is represented here no less liberally than England and Scotland, yet the case of Ireland is not the same case as that of England and Scotland (hear, hear). England by her iron strength and vast majority in this house makes her own laws (cheers), just as freely and just as independently as if she were not combined with the two other countries. It is just to state that she has been considerably impeded (hear, hear, and a laugh); but I do not speak of that now. Well, sir, Scotland is a small country, smaller than Ireland, but a country endowed with a spirit so masculine and firm that never in the long course of her history, with the exception of two short periods of a few years each, was the superior strength of England sufficient to enable her to beat down national freedom beyond the border. Scotland, widely recognised by England, has been allowed and encouraged in this house to take her own course as freely and effectually as if she commanded a representation six times as strong as she has. The consequence is that the main spring of law in England is felt to be English; the main spring of law in Scotland is felt by the people to be Scotch; the main spring of law in Ireland

IS NOT FELT BY THE PEOPLE TO BE IRISH (cheers). I am bound to say it, for truth extorts from me the avowal. It cannot be in Ireland Irish in the same sense as it is Scotch in Scotland. The main results of this statement which I have laid before the house, because it was necessary as a groundwork for my proposals are these. In the first place, I deem it little less than a mockery to hold that the state of law and facts conjointly, which I have endeavoured to describe conduces to the real unity of this great and noble and world-wide empire. In the second place, something must be done—something is imperatively demanded from us to restore in Ireland the first conditions of civil life, the free course of law, the liberty of every individual in the exercise of every legal right, and the

sympathy with the law, apart from which no country can be called in the full sense of the word a civilised country, nor can any country enjoy the blessings which it is the object of civilised society to confer (cheers). That is my introduction to the task I have before me, and now I should wish to ask what is the problem we have before us? Is it a problem quite unknown in the history of the world? Certainly not. It is really this—there can be no secret about it so far as we are concerned—it is how to reconcile Imperial unity with

DIVERSITY OF LEGISLATURES.

Perhaps the house may recollect that Mr. Grattan not only held these purposes to be reconcilable, but did not scruple to go the length of saying—

I demand the continued severance of the Parliaments with a view to the continued and everlasting unity of the Empire.

Was that a flight of rhetoric? Was it an audacious paradox? No; it was a problem that other countries have solved, and solved under circumstances much more difficult than ours. Why, we ourselves may be said to have solved it, for I do not think that anyone will question the fact that for the six last centuries—for five at least—Ireland has had a Parliament separate from ours. That is a fact undeniable. Did separation of the Parliaments destroy the unity of the British Empire? (Cheers). Take the eighteenth century alone. I do not suppose that harmony prevailed between Ireland and England. We know very well there were causes quite sufficient to account for a state of almost continual recurrence of discord. Take the eighteenth century alone. Can I suppose that there was no

UNITY OF THE EMPIRE

in that eighteenth century? Why, sir, it was the century which saw our navy come to its supremacy, it was the century which witnessed the foundation of that great and gigantic manufacturing industry which now overshadows the world, it was in a pre-eminent sense the century of the Empire, and it was in a sense but too conspicuous the century of war. Those wars were carried on, the empire was maintained and enormously enlarged, trade was established, the navy was brought to supremacy by England, while Ireland had her separate Parliament. Am I to be told there was no unity of the empire in that state of things? Well, sir, what has happened elsewhere? Have no other countries had to look this problem in the face? The last half century—the last sixty or seventy years, since the great war, have been particularly rich in their experiences on this subject and in the lessons which they have afforded to us. There are many cases to which I could refer to show how practicable it is or how practicable it has been found by others whom we are not accustomed to look upon as our political superiors—how practicable it has been found by others to bring into existence what is termed

LOCAL AUTONOMY,

and yet not to sacrifice, but to confirm Imperial unity (hear, hear). Sir, let us look to those two countries, neither of them very large, but yet countries which every Englishman and Scotchman must rejoice to claim as kin. I mean the Scandinavian countries of Sweden and Norway. Immediately after the great war the Norwegians were ready to take sword in hand to prevent them coming under the domination of Sweden; but the powers of Europe undertook the settlement of that question, and they united those countries upon a footing of a strict legislative indepen-

dence and equality. Now, I am not quoting this as an exact precedent for us, but I am quoting it as a precedent and argument *a fortiori*, because I say they confronted much greater difficulties, and they had to put a far greater strain upon the unity of their country than we can ever be called upon to put upon the unity of our country. The Legislature of Norway is absolutely independent. The law even forbids what I hope will never happen between England and Ireland—the law even forbids, if I am correct in my impression, that a Swede shall bear office of any kind in the Norwegian Ministry. There is no sort of supremacy or superiority in the Legislature of Sweden over the Legislature of Norway, which has had serious controversies, not with Sweden, but with the King of Sweden, and it has fought out those controversies successfully upon the strictest constitutional and Parliamentary grounds. And yet with the two countries so united what has been the effect? No discord, no convulsions, no danger to peace, no hatred, no coercion, but a constantly growing sympathy. Every man who knows their condition knows that I speak the truth when I say that in every year that passes Norway and Sweden are more and more feeling themselves to be the children of a common country united by a tie that never is to be broken (hear, hear). I will give you one other case—a case of enormous importance—I mean the case of

AUSTRO-HUNGARY.

In Austria there is a complete duality. I will not enter on the general condition of the Austrian empire and of other dualisms or divisions or diversities, but I will take simply this case. At Vienna sits the Parliament of the empire, at Budapesth sits the Parliament of Hungary, and that is a state of things which was established, I think, some twenty years—more than twenty years ago. Well, sir, I ask all those who hear me whether there is one among them who doubts whether the condition of Austria being at this moment perfectly solid, secure, and harmonious through the enormous difficulties she has had to contend with on account of the boundless diversity of races—whether it be perfectly unanimous or not in every minute particular. This at least cannot be questioned, that it is a condition of solidity and of safety, compared with the time when Hungary made war upon her—war which she was unable to bear (cheers), when she owed the cohesion of the body politic to the interference of Russian arms, and when at the same time she had a perfect legislative union and a supreme Parliament sitting from year to year (cheers). Now, sir, the truth is I have quoted these illustrations, which show, not that what we are called upon to consider can be done, but that eventually more can be done, and has been done, under circumstances far less favourable. What was the case of Sweden and Norway, two small countries—Norway undoubtedly with an inferior population, but still unassailable in her mountain fastnesses? What was the case of Sweden and Norway for bringing about a union by physical and material means? There were no means to be used but

MORAL MEANS,

and those moral means have been completely successful. What, again, was the case of Austria when the seat of the Empire in the Arch-Duchy was associated, not with the majority, but the minority of the population, and when she had to face Hungary with numbers far greater than her own, and even there, while having to attempt

what was eventually more complex and more dangerous than even prejudice can suppose to be, that which I am now about to suggest—even there is it not denied that a great relative success has been attained. I know that many gentlemen near me have read the valuable work of Professor Dyce on the Law of the Constitution. No work that I have ever read brings out in a more distinct and emphatic manner the peculiarities of the British constitution on one point to which perhaps we seldom have occasion to refer, namely,

THE ABSOLUTE SUPREMACY OF PARLIAMENT.

We have a Parliament to the power of which there are no limits whatever, except such as human nature, in the divinely ordained condition of things, imposes. We are faced by no co-ordinate Legislature. We are bound by no statutory condition. There is nothing that controls us and nothing that compels us except our convictions of law, of right, and of justice. Surely that is a favourable point of departure in considering a question such as this. I have referred to the eighteenth century. During that century you had besides a co-ordinate Legislature.

THE LEGISLATURE OF IRELAND

before the Union had the same title as that of Great Britain. There was no judicial distinction whatever to be drawn between them. Even in point of antiquity they were as nearly as possible upon a par, for the Parliament of Ireland had subsisted for 500 years. It had asserted its exclusive right to make laws for the people of Ireland. That right was never denied, for gentlemen ought to recollect what all don't, perhaps, remember, that Poyning's law was an Irish law imposed by Ireland on herself (hear, hear). But that claim of the Parliament of Ireland was never denied till the reign of George II. A claim denied in the reign of George II was admitted in the reign of George III (hear, hear). The great Parliament of Great Britain had to retract its words and to withdraw its claim, and the Legislature which went by the name of the Grattan Parliament was as independent in point of authority as any Legislature in the wide world (cheers). We are not called upon to constitute another co-ordinate Legislature: and while as I think it is right to modify the Union in some particulars, we are

NOT ABOUT TO PROPOSE A CO-ORDINATE LEGISLATURE.

What is the essence of the Union? That is the question. It is impossible to determine what is and what is not the Repeal of the Union until you have settled what is the essence of the Union. I define the essence of the Union to be this—that before the Act of Union there were two independent separate co-ordinate Parliaments; after the Act of Union there was but one. The supreme statutory authority of the Imperial Parliament over Great Britain, Scotland, and Ireland, as one United Kingdom, was established by the Act of Union with supreme statutory authority. It is not asked so far as I am aware, and certainly it is not intended in the slightest degree to impair it (hear, hear, and cheers). When I heard the hon member for Cork, in a very striking speech which he made at the commencement of this session, in which he asked for what I think he termed "local" autonomy, or Irish autonomy, I felt that something was gained in the conduct of this great question, I felt that Ireland, if he speaks, as I believe he speaks, the mind of the vast majority of her representatives (loud and prolonged Irish cheers). I have no right to question for a moment that the

vast majority of the representatives of Ireland speak the mind of a decided majority of the people (loud Irish cheers). I felt, sir, something had been gained, that Ireland had come a great way to meet us (a laugh), and it was, sir, our duty, and more than our duty, to consider whether we could not go some way to meet her (loud Irish and Radical cheers). A great deal has been said about the dismemberment of the empire; but to speak in connection with any meditated or possible plan to be brought before this house as a plan for the dismemberment of the empire is in the face of the history of the eighteenth century not merely a misnomer but

AN ABSURDITY.

(Cheers.) Some opinions I do not refer to because I do not think they accurately describe the case, and they might open the door to a new debate. We hear of national independence, we hear of legislative independence, we hear of an independent Parliament, we hear of federal arrangements, but these are not descriptions which I adopt, nor which I find it necessary to discuss. Then again under a sense of the real necessity of the case, there are gentlemen who have their own philanthropic and well-intended plans for meeting this emergency. There are those who say, "let us abolish the Castle." I think gentlemen of very high authority who are strongly opposed to giving Ireland a domestic legislature say, nevertheless that they think there ought to be a general reconstruction of the administrative Government in Ireland (cheers). Now, sir, I am not going into that question, but what I want to know is, how without a change in the legislature and without

GIVING IRELAND A DOMESTIC LEGISLATURE

there is to be, or ever can possibly be, a reconstruction of the Government of Ireland (Irish cheers). We have sent to Ireland to administer the actual system the best men we could find (hear, hear). When Lord Spencer took office (oh, and cheers), he represented, not in our belief merely, but to our knowledge—for we have known him long—the flower of the aristocracy—that portion of the aristocracy which to high birth and to great influence in station is combined a love of liberty of the people as genuine as that which breathes within any cottage in the land (cheers). And yet, sir, what is the result? The result is that after a life of almost unexampled devotion to the public service in Ireland Lord Spencer's Administration not only does not command, which is more easily understood, the adhesion and commendation of the hon member for Cork; but it is made the subject of cavil and censure in this house of Parliament, and from the spot where I now stand (long and loud Irish cheers). I want to know how we can come to conclusions until making a careful examination of the conclusions of other people. I want to know how it is possible to construct a domestic system of Home Rule without a legislature, and what gentlemen mean when they speak of legislation. The Parliament of Irish legislature, if it has a future, is that the spring and coming and source—the motor muscle, if I may so express it—is English. Without providing a domestic legislature for Ireland with a view to Irish purposes, I want to know how you will bring about this wonderful, superhuman—I believe impossible—result—that your administrative system shall be Irish, and nothing else? Then there is another most elaborately-designed proposal for according to Ireland the management of education, of public

works, the management of one subject or another—things which are very important in themselves—under a central elective hierarchy. This would be a great boon and would be very gladly accepted, and the system that would be created under it tried had it been the desire and demand of Ireland. I do not think such a scheme would have possessed

THE ADVANTAGE OF FINALITY

(hear, hear). It might if it had been accepted, and especially if it had been freely suggested from that quarter by the Irish representatives have furnished a very useful *modus vivendi*. But it is absurd, in my opinion, to talk of the adoption of such a scheme in the face of two obstacles—first of all, that those whom it is intended to benefit do not want it (loud and prolonged Home Rule cheers). They do not ask it (renewed Irish cheers). They refuse it. And, secondly, the obstacle not less important, that although we are fearful of giving a domestic Legislature to Ireland, they would naturally and emphatically, and justly say, "We are not going to create your central board and palter with this question, because we feel certain it will affirm nothing in the world except to give occasion for further change, while it will not give the advantage of settling the question. What we ask is a settlement of the question, and we propose to settle it. We think we find that settlement in the establishment by the authority of Parliament of

A LEGISLATIVE BODY TO SIT IN DUBLIN

(loud Home Rule cheers) for the conduct, both legislative and administrative, under conditions which may be prescribed by act of the Irish as distinguished from Imperial affairs (renewed cheers). There is the 'head and front of our offending.'" Let us proceed to examine the matter a little further. The essential condition of any plan that Parliament can be expected or be asked to entertain is, in my opinion, that the unity of the empire shall not be placed in jeopardy (Ministerial cheers and Opposition counter cheers, mingled with cries of "Oh.") The safety of the whole, if there is unfortunately to be a conflict, which I do not believe, and the welfare of the whole, and secondly there must be provided security of the past (cheers.) The political equality of the three countries must be maintained. They stand by statute on a footing of absolute equality, and that footing ought not to be altered or brought into question. There should be what I will now affirm

AN EQUITABLE DISTRIBUTION OF IMPERIAL BURDENS.

Next I introduce a provision which may seem to be exceptional, but which under the particular circumstances of Ireland, whose history unhappily has been one long chain of internal controversies as well as differences, there must be reasonable

SAFEGUARDS FOR THE MINORITY

(general cheers). I am asked why should there be safeguards for a minority. Will not the minority in Ireland, as in other countries, best take care of itself? Are not free institutions with absolute publicity the best security that can be given to any minority? I answer that in the long run, and after experience, and after we have passed through the present critical period, and

obviated and disarmed, if we can, the jealousies with which the approach of any change is attended, I believe, as most gentlemen in this house may probably believe, that there is nothing comparable to the healthy action of free discussion by minorities asserting in the face of day their just rights, and that that is the best mode of guarantee for their obtaining them. But we have not yet reached to that stage (Opposition cheers). There are three classes to which we must look on this occasion without entering into details. I will not say a word on the subject to-day. We must consider the class immediately connecte with the land, a secondary question not offering very, I think, great difficulties; but still where perhaps our treatment the fact of touching it at all would be somewhat exceptional; what relates to the Civil Service offices of the Government in Ireland. The third has relation to what is commonly called the Protestant minority, and especially that important part of the community which inhabits the province, or the larger portion of it, which predominates (Home Rule cries of "No"), which then predominates in a considerable portion of Ulster (hear, hear, and laughter). I have no intention of introducing anything contentious, nor do I wish to exaggerate the case in any way. Now, sir, here I will deviate from my path for a moment to say a word upon the state of opinion in that wealthy, intelligent, energetic portion of the Irish community which I have said predominates in a certain part of Ulster. Our duty is to adhere to sound general principles, but to give the utmost consideration we can to the opinions of that energetic community. The first thing, sir, that I wish to say is, that if upon any occasion by any individual or section

MEASURES ARE THREATENED

with certain alternatives, I think the best compliment we can pay to those who have so threatened, is for us to take no notice whatever of the matter, but to treat them as momentary effusions which will pass away with the fear out of which they sprang, and at the same time to adopt on our part every reasonable measure to disarm these fears (cheers). I cannot say it is otherwise than unconstitutional when five-sixths of its lawfully chosen representatives are of one mind in this matter (cheers). Certainly, sir, it cannot be admitted that a Protestant majority in Ulster or elsewhere should govern or rule the question at large for Ireland. I am aware of no constitutional tribunal upon which such a resolution could be adopted if laid before this house.

VARIOUS SCHEMES.

Various schemes relating or referring to different parts of Ireland at large have been proposed on the part of Ulster. One scheme is that Ulster itself, or with perhaps more appearance of reason, a portion of Ulster, should be excluded from the bill we are about to introduce; another scheme is that a separate autonomy should be provided for Ulster, or a portion of it; another scheme is that certain rights with regard to certain subjects, such as education and some other matters, should be reserved, and should be placed, to a certain extent, under the control of different departments. These, I think, are the suggestions which have reached me. What I wish to say is this—that there is no one which has appeared to us to be so completely justified, either by its merits or by other circumstances, as to warrant our introducing it into a bill we are proposing to Parliament upon our own

authority (Nationalist cheers). What we think is that such suggestions deserve careful and unprejudiced consideration. It may be that the full discussion, which no doubt will largely take place after a bill such as we propose shall have been laid on the table—it may be that the discussion may give to one of these proposals a practical form, and that some such plan may be greeted with approval. If it should be so, it would at our hands have the most favourable consideration as to the equity of the matter. That is what I have to say upon the subject of Ulster. I will add only this, that I consider that the great

SETTLEMENT OF 1782

was not a real settlement (National cheers). And why was it not a real settlement? (Renewed National cheers). It was the mistaken policy of England listening to the pernicious voice and claims of ascendancy in Ireland (hear, hear). I pause to say a word for the

PROTESTANT PARLIAMENT OF IRELAND.

Founded as it was on a narrow suffrage, exclusive in religion, crowded with pensioners and placemen, labouring under almost every disadvantage, yet it had in it a spark at least of the spirit of true patriotism (hear, hear). It emancipated Roman Catholics in Ireland when Roman Catholics in England were not yet emancipated (hear, hear). It received Lord Fitzwilliam with open arms when Lord Fitzwilliam promoted to the best of his ability the introduction of Roman Catholics into Parliament; and when his brief career was unhappily intercepted by a peremptory recall to England, what happened? Why, that in both houses of the Irish Parliament votes were passed by these Protestants—these men of exclusion—by these men, mixed as they were with so large an infusion of pensions and places—yet in both houses votes were passed at once on the recall of Lord Fitzwilliam expressing confidence in that nobleman, and desiring he should be left to administer the Government (hear). This was the action of the Irish Parliament when Lord Fitzwilliam was promoting the admission of Roman Catholics into Parliament, and I say it justifies me in saying there was a spirit that, if free scope had been left it, would in all probability have worked out a happy solution of every Irish problem and saved the coming generation an infinity of controversy and grief (cheers). Well, sir, I pass on to ask how we are to set about giving effect to the propositions I have made, the purpose I have defined,

TO ESTABLISH IN IRELAND A DOMESTIC LEGISLATURE

to deal with Irish as contradistinguished from Imperial affairs. And here, sir, we are confronted at the outset by what I have felt to be a formidable dilemma, which I will explain to the house as well as I can. Ireland is to have a domestic legislature for Irish affairs. That is my postulate, that is the postulate from which I set out. Are Irish members in this house—are Irish representative peers still to continue to form part of our Imperial Assembly? That is the first part of the question that meets us in connection with the proposition I have made. No. I think it will be perfectly clear that if Ireland is to have a domestic Legislature, Irish peers and

IRISH REPRESENTATIVES CANNOT COME HERE

to control English and Scotch affairs (hear, hear). That, I understand, gentlemen admit (hear, hear). I have never heard of them urging the contrary. I am inclined to believe it will be universally admitted (hear, hear). One thing follows from another. There being a domestic

Legislature in Ireland, Irish Peers and Irish representatives should not take part in the Parliament at Westminster on English and Scotch questions. My next question is, is it practicable for Irish representatives to come here to take part in settling, not English and Scotch, but

IMPERIAL MATTERS?

In principle it would be very difficult, I think, to object to that proposition; but then its acceptance depends entirely on our arriving at a conclusion that in this house we can draw, for practical purposes, a distinguishing and distinct line between affairs which are Imperial and affairs which are not Imperial. It would not be difficult to say in principle, as the Irish Legislature will have nothing to do with the Imperial Legislature, "let Irish members come here and vote on Imperial concerns." It all depends on the practicability of the distinction. I have thought much, reasoned much, inquired much with regard to that distinction. I have hoped it might be possible to draw and arrive at the conclusion, but it could not be drawn. I believe it passes the wit of man; but at any rate it passes not my wit alone, but that of any gentlemen with whom I have communicated. It will be easy to exhibit a case, for example, the difficulty in my opinion arises from this—If this were merely a legislative house, or if the House of Lords were merely a legislative house—but this house affords the best illustration—I don't think it would be difficult to draw the distinction; we are, in fact, going to draw the distinction in the bill which I have asked leave to lay on the table for legislative purposes with reference to what I hope will be the domestic legislation of Ireland. But this is not a legislative house—it is a house controlling the Executive, and it is when you come to the control of the Executive that your distinction between Imperial and non-Imperial subjects totally breaks down. For example, suppose it be a question of

FOREIGN POLICY.

Suppose Irish members in this house coming here to vote on a question of foreign policy—is it possible to deny that they would be entitled to take part in discussing an address to the Crown for the dismissal of the Foreign Minister. It is impossible to deny and separate the right of impugning the policy from the right of action against the Minister. If on that ground members might take part in an address for dismissing a Foreign Minister, I want to know, considering the collective responsibility of the Government, a principle which I hope will always be maintained on the very highest level that circumstances will permit, for I am convinced the public honour and welfare are closely associated with it—if that be so what would be the effect of the dismissal of a Foreign Minister on the existence of the action of the Government to which he belongs. The Government in nineteen cases out of twenty—in perhaps twenty cases out of twenty—would break down, and when these gentlemen, sent here for the purpose of discussing Imperial matters alone, could dislodge the Imperial Government which is charged with the care of the interests of England and Scotland, I ask you what becomes of the distinction between Imperial and non-Imperial matters? But I believe that to be impossible (hear, hear), and I arrive at this conclusion, that Irish members and peers cannot, if domestic legislation is given to Ireland, be allowed advantageously to remain to sit in Parliament (cheers). But if Irish members do not sit in this house, and Irish

peers not sit in the other house,

HOW IS IRELAND TO BE TAXED ?

Of course I assume we should propose, as a matter of course, that a general power of taxation should pass to the domestic legislature of Ireland (Irish cheers). But there is one other important branch of taxation, involving, indeed, a second branch, which is susceptible of being viewed in a very different aspect from the taxation of Ireland generally—I mean the duties of customs and the duties of excise relatively to customs. One thing I take to be absolutely certain—Great Britain will never enforce on Ireland taxation without representation, and if we do not do that then comes another question of the deepest practical interest. Are we to give up

THE FISCAL UNITY OF THE EMPIRE ?

I see it sometimes argued that if we give up the fiscal unity of the empire we give up the unity of the empire itself. To that I do not subscribe (cheers). I do not think the unity of the empire in principle rests entirely on the supremacy of Parliament, but upon something higher. Although I cannot stand on the very substantial grounds of principle yet upon the ground of practice to give up the practice of fiscal unity of the Empire would be a very great public inconvenience, and a very great public misfortune (cheers.) It would be a great misfortune for Great Britain, and I believe it would be a still greater misfortune to Ireland to have the fiscal unity of the Empire put to the hazard, and practically abandoned (hear, hear). I must say also that, looking as I do with the hope that the success of the measure which I now propose (cheers), and, at any rate, following the highest legislation, not to do anything, not to propose anything, without a necessity, will greatly endanger it. I fear that there would be a danger if it were attempted to sever the fiscal unity of the empire, because a proper apprehension of the point would not be present in the minds of Englishmen and Scotchmen. There is the dilemma as I have here presented it to you, and the question is how to get rid of it. Then there comes another point, and that is

SHOULD THE ENTIRE PROCEEDS OF CUSTOMS AND EXCISE

be held for the benefit of Ireland, for the discharge of her obligations, and for the payment of any balance into an Irish Exchequer to remain at the power of the Irish legislative body (hear, hear). But, sir, there is still another point which I think ought to engage our minds, and may justly engage our anxious attention, in particular that of the representatives of Ireland, and it is this—the proposal I have sketched is, that we should pass an act giving to Ireland an enormous boon, a statutory Parliament having the control of Irish affairs both legislative and administrative, but one of the provisions of that act is the

WITHDRAWAL OF IRISH REPRESENTATIVE PEERS FROM THE HOUSE OF LORDS

and of Irish members from the House of Commons. But, then, I think it would virtually occur to the Irish, as it would to the English, and certainly to the Scotch mind, what is to become of the privileges conferred by the act if the Scotch members, who were their natural guardians, are withdrawn from this house ? (A cry, "The Irish members")—I thought I could bring home my views to the mind of hon gentlemen by supposing that Scotland had desired a domestic legislation, which she has never had occasion to desire. Well, I think the Irish

should have security on that subject—security that advantage will not be taken, so far as we can preclude it, of the absence of Irish representatives from Parliament for the purpose of tampering with any part of the boon which it is proposed to confer on Ireland by that act. We must find a method of dealing with this difficulty. I hope the day may come when Ireland will have reason to look on this act, adopted by Parliament as for practical purposes her Magna Charta. But in order that it should be a Magna Charta for Ireland, it is necessary that it should be assured and secure against

UNLAWFUL INTERFERENCE

(cheers). Two cases at once occur to the mind. There might be alterations of detail in a law of this kind upon which everybody might be agreed. It would, I think, be very absurd to require either the construction or the reconstruction of a cumbrous and difficult machinery to dispose of cases of that kind, and therefore we propose that the provisions of this act might be modified with the concurrence of the Irish Legislature and in conformity with an address to the Crown from an Irish Legislature—that is for cases where there is general agreement; but it might happen that the sagacity and foresight brought to bear on this subject might prove to have been insufficient, and that material amendments might have been found necessary, and upon these amendments there might be difference of opinion, and for that case it might be proper to provide beforehand so as to give effectual satisfaction. We propose, then, that

THE PROVISIONS OF THIS ACT SHOULD NOT BE ALTERED

except on an address from the Irish Legislature to the Crown, such as I have described, or else by replacing and recalling the full machinery under which the Irish representatives now sit here and the Irish peers in the House of Lords, so that when their case came to be tried they might have the same means of defending their constitutional rights which they now possess (cheers (and interruption)). I admit that it is a serious proposition, but it is one of those improbable cases which are often best averted by making good provision for dealing with them if they arise. Very well; it is upon that footing which I have now endeavoured to describe that we propose to relieve Irish peers and representatives from attendance at Westminster, and at the same time to preserve the absolute fiscal unity of the Empire. Let me say, sir, that there are other reasons that incline Irishmen to adopt an arrangement of this kind. If you have Irish representatives in this house at the same time that a domestic legislature is sitting in Ireland, I think the presence of those Irish representatives would have some tendency to disparage the domestic legislature. I think serious difficulties would arise besides that insurmountable difficulty I have pointed out. Some of these difficulties would occur in connection with the division of subjects. If it were possible to divide the subjects, which I think it is not, what an anomaly it would be, what a mutilation of all our elementary ideas about the absolute equality of members in this house were we to have ordinarily amongst us two classes of members, one of them qualified to vote upon all kinds of business, another qualified only to vote here and there upon particular kinds of business, and obliged to submit to some new criterion or other, say the authority of the chair, novel to such a purpose and difficult to exercise, in order to determine what kinds of busi-

ness they could vote upon and what they must abstain from voting upon. There would be

ANOTHER DIFFICULTY,

I think in determining what the number of these members should be; my belief is that there would be great jealousy. In the habitual presence of 103 Irish members in this house, even for limited purposes, after a legislative body had been constructed in Ireland, and on the other hand I can very well conceive that Irishmen would object to a reduction or a material reduction in these members. I sorrowfully admit another difficulty. Ireland has not had the practice in local self-Government that has been given to England and Scotland (Home Rule cheers). We have unfortunately shut her out from that (renewed Home Rule cheers)—ineffectually in some respects, jealousy and niggardly in others—and it might be very different for Ireland in her present state of things to man a Legislative chamber in Dublin and at the same time have in this house that array of

SO MUCH DISTINGUISHED ABILITY

as I think all parties will admit has been exhibited on the part of Ireland during recent Parliaments on these benches (hear, hear). Well, sir, I may pass from this portion of the question, having referred to those two vital propositions as essential parts of the foundation of the bill by which it is proposed that Irish representation in the Parliament at Westminster should cease, unless in the contingent case, and I hope hardly possible case, to which I have referred, and that the fiscal unity of the empire should be absolutely maintained. My next duty is to state to the house what would be the

POWER OF THE LEGISLATIVE BODIES

proposed to be conceded. The capital article of that legislative body would be that it should have control of the Executive Government in Ireland, as well as of legislative business. I think there was a flaw in the system of 1782. Adequate provision was not made for that purpose (hear, hear), and we should not like to leave a flaw of such a nature in the work that we are now about to undertake. In 1782 there were difficulties that we have not now before us. At that time it might fairly have been said that no one could tell how a separate legislature would work when it had under its own control what is termed responsible government. We have no such difficulty and no such excuse now. The problem of responsible government has been solved for us in our colonies (cheers). It works very well. Perhaps in a dozen cases in different quarters of the globe it works to our perfect satisfaction. It may be interesting to the house if I recall a fact that responsible government of the colonies was first established by one of our most distinguished statesmen (Earl Russell) when he held office under the Government of Lord Melbourne; but it was a complete departure from established tradition, and if I remember right, not more than two or three years before that generous and wise experiment was tried, Lord Russell had himself written a most able despatch to show that it could not be done; that the government in the colonies would have the two centres of gravity and two sources of motion in the empire; that the unity of the empire absolutely required that there should be but one, and consequently that the proposition could not be entertained. Such was the view of the question while it was yet at a distance, and such perhaps may have been our view on the subject I am discussing while it was yet in view. I believe if we look

closely at its particulars we shall find that many of the fears with which many have regarded it are perfectly unreal, and especially that great apprehension of all, the fear lest it should prove injurious to what it is our first duty to maintain—the absolute unity and integrity of the empire. Then there is another point with regard to the powers of the legislative body which I wish to mention specifically. Two courses might have been followed—one would have been to endow this legislative body with particular legislative power, and the other is to except from the sphere of its action those subjects which we think ought to be considered, and to leave out everything else, which is the second of those plans which we have before us, and everything not included in that enumeration will be open and left to the domestic Legislature. As I have already said, the administrative power by a responsible Government would pass under our proposals with the legislative power. The legislative body would be subject to the provisions of the act, in the first place as to its own composition. But we propose to introduce into it, as I will presently explain,

TWO ORDERS, ALTHOUGH NOT TWO HOUSES,

And we shall suggest that, with regard to the popular order, which will be the more numerous, the provisions of the act may be altered at any period after the first dissolution, but with regard to the other order—the less numerous order of the two—the provisions of the act can only be altered after the assent of the Crown to an address from the legislative body for that purpose. We should provide generally, and on that I do not think there would be any difference of opinion, that this body should be subject to all the prerogatives of the Crown, but we should insert a particular provision to the effect that its maximum duration without dissolution should not exceed five years. I will now tell the house, and I beg to call the particular attention of the house to what will be very brief, what are the functions we propose to withdraw from the cognizance of this legislative body. The three grand and principal functions, that everything that relates to the Crown, succession, prerogative, mode of administering the powers during incapacity or the subject of regency, and, in fact, all that belongs to the Crown. The next would be all that belongs to defence. The army, the navy, the entire organisation of armed force, which I shall touch upon by-and-by, but everything that belongs to defence; and the third would be the entire subject of foreign and colonial relations. These are subjects most properly Imperial, and, I may say, belong as a matter of principle to the Legislature established under the Act of Union and sitting at Westminster. There are some other subjects which I will very briefly touch upon. In the first place, it would not be competent for the domestic Legislature of Ireland to alter the provisions of the act we are now about to pass—as I hope (Opposition cheers), and which I should ask that we should pass by the consent of the three countries. It would not, however, be competent to the Irish legislative body to alter these provisions, except on points where they are designedly left open as what I may call the original contract on the subject. There are certain contracts, but we do not propose a universal disability; there are certain contracts made in Ireland under circumstances so peculiar that we think that we ought to except them from the action of the legislative body, and there are also some analogous provisions made with respect

to charters anterior to the act which, in our opinion, ought only to be altered after the assent of the Crown to an address from the legislative body for that purpose. Well, sir, there is

ANOTHER DISABILITY

that we propose to lay upon the legislative body, and it is one of those in respect to which I am bound to say that in my belief there is no real apprehension that the thing would be done which it precludes, but at the same time, though there may not be a warranted apprehension, there may be honest apprehension, and all these honest apprehensions it is our duty to consider so far as we are able. We propose to provide that the legislative body should not pass a law for the

ESTABLISHMENT OR THE ENDOWMENT OF ANY PARTICULAR RELIGION

(loud cheers). This I may call a question of principle. Then three questions of what I may call practical necessities. First there is a question of

TRADE AND NAVIGATION.

I assume that it would be a great calamity for Ireland to be separated from Great Britain in these matters (cheers). The question of taxation in relation to trade and navigation I have already mentioned. The remarks apply to the subject of coinage and legal tender. Ireland might have thought fit to pass a law providing for the extension of private issues, and providing that no bank-note should be issued in Ireland except with authority and for the benefit of the State (hear hear). I think that Ireland would do a most sensible thing if she did make such an arrangement, and we might also advantageously have such an arrangement: but the block from which we have been suffering in Parliament has prevented that and many other good things which we hope we are going to have in the future (cheers and laughter). I merely say this, however, as an illustration to show that we ought not to needlessly limit the free action of the Irish Legislature on Irish matters. Then there are other subjects, such as weights and measures and copyright, which need not be discussed now, and there is one important subject which I propose to leave completely open to the judgment of Ireland, and that is

THE POST OFFICE.

I am proud to say that it is our judgment that it would be for the convenience and for the interests and for the convenience of the country that the Post Office should remain under the authority of the Postmaster-General, but there is nevertheless the fact that the Post Office requires an army of servants, and Ireland may not wish to see the regulations connected with the appointment of that unarmed army left to English authority. Therefore we leave that question open in the bill (hear, hear) to be dealt with by Ireland if she should see fit. There are some other questions which stand in the same category. That is a fair description of purposed Irish legislation. I come next to the

COMPOSITION OF THE LEGISLATIVE BODY

we propose to provide for it. I refer to protection of minorities. We might constitute a legislative body for Ireland by a very brief and simple enactment. If we were to say that the 103 members now representing Ireland, and say 103 more members elected by the same constituencies, should constitute the one and only legislative house in Ireland with the introduction of what I may call the dual element; but we are of opinion that if a proposal of the kind were made it would be said that in the first place it did not provide sufficient protection for minorities

In the second place it must be that some better provision should be introduced to ensure that regard for stability and consistency in the conduct of the complete work of legislation than could possibly be supplied by a single set of men elected under absolutely secret influence. In that regard, sir, we propose to introduce into this legislative body what may be termed

TWO ORDERS.

Those orders would sit and deliberate together. There would be power on the demand of either order for separate voting. The effect of that separate voting would be that while the veto was in force, while it stood as a bar to the enactment of a bill, there would be an absolute veto of one order. Such a veto in our view must be salutary and useful for the purpose of ensuring deliberation and consistency with adequate consideration in the business of making laws, but it ought not to be perpetual. If it were perpetual it might conceivably arise, and as we may almost say we have seen it arise in certain cases in one particular in the Colonies, where there were two perfectly independent orders. What we therefore propose is that this veto shall only be made operative for a limited time, or until a dissolution, or for a period of three years, whichever might be the longer of the two. So much for the relations of those orders, the one to the other. I may mention that this institution of orders would be valuable, and is almost necessary, with a view to maintain any form of control over a judicial body known to us in this country, namely, the concurrence of two authorities chosen somewhat under different influences—the one I should like to briefly call the composition of those orders. It might not seem to many gentlemen that if we proceed in the path we are now opening the proposals we are now making will affect the 28 distinguished individuals who now occupy the place of representative peers of Ireland. It is not possible, we think, for them to continue to hold their place in the House of Lords after Irish representatives refrain from occupying a place in the House of Commons. I do not say that the precedent is an exact one, but the house will remember that in the case of the disestablishment of the Irish Church we did disable the bishops who were entitled to sit in the House of Lords from continuing to sit in the House of Lords after the disestablishment of the Irish Church. We do not wish to entail this personal disability—we propose that those 28 peers shall have the option, if they think fit, of forming

A PORTION OF THE FIRST ORDER

of the Irish Legislative Assembly (ironical cheers from the Opposition, which were answered by vehement cheers from the Irish members), and that they should have the power of sitting there (cheers). There may be those who think this option will not be largely used (laughter). I am not one of that number (loud cheers). I believe that the Irish peers have an Irish as well as an Imperial patriotism. In the eighteenth century the Irish peers were not ashamed of the part they played in the Irish Parliament (Irish cheers). It was, I think, the Duke of Leinster who moved the address in the Irish House of Peers, which he carried, expressing the confidence of that house in Lord Fitzwilliam. I may be too sanguine, but I say boldly that if we pass this bill under happy circumstances, especially if it pass without political exasperation, one of its effects would be a great revival of the local as well as a great confirmation and extension of Imperial patriotism. At any rate, it is my duty to provide that the Irish peers may form part of the Irish legislative body.

There will be no disability entailed upon them, for any Irish peer may be at once a member of the Legislative Assembly and at the same time a member of the House of Lords. In the last century many distinguished men have sat in both, and I believe we have still among the peers men with that capacity which worked beneficially then in an Irish Parliament. There is a difficulty, however, to which I will refer, and that is to combine the sitting of these peers for life with the rest of the first order of the chamber. We propose that the first order of members should, to

THE NUMBER OF 75,

be elected by the Irish people under conditions that we propose to specify in the schedule, but which are not yet drawn up in detail. But I will mention two grounds. First, that the constituency will be composed of persons rated occupiers of £25 and upwards; and second, that those members would be elected for a period of ten years, which in some cases which I need not now explain would be for a longer period, and they would be elected upon a property qualification of £200 really or a personality of £200, or a capital value of £4,000. The peers would ultimately be replaced by 28 members elected under the system created, for we cannot answer that all these 27 peers should die at the same time (laughter). It is extremely difficult to devise any electoral machinery for the purpose. We therefore propose to grant to the Crown the power, limited to the period when the present generation may very fairly have been supposed to be exhausted, the right of filling their places by nomination not for life, but down to a date fixed by the act. With regard to the second order, its composition would be, I think, simply formed by

DOUBLING THE 102 MEMBERS,

who now represent the cities and towns of Ireland. The 103 who now represent those cities and boroughs shall take their places in the Irish Legislative Parliament (laughter). We shall always propose as nearly as possible to duplicate that body. The extra 101 members we propose should be selected by the county districts, the cities and towns in exactly the same manner as the present Irish members have been elected. We shall likewise provide that in the event of any refusal to sit taking place, the places rendered vacant shall be filled up under the machinery now existing. I want to say a word with regard to Dublin University. We do not propose to interfere with the existing arrangements with regard to Dublin University one way or the other. We propose, however, that the Royal University should have the power of nominating two members, the effect of which would be that the number of Irish members would be 206 at the outside, or 204 if the University did not exercise their right of nomination. I must say a few words upon the subject of

THE EXECUTIVE.

What we think most requisite with regard to the Executive is, that in dealing with it our act should be as elastic as possible. It is quite evident that although the legislative transitions can be made by a single bill, the Executive transitions must necessarily be carefully considered, and will take time. We propose, therefore, to leave everything as it is until it is altered in the regular course, so that there shall be no breach of continuity in the government of the country; that on the one hand the representatives of the old representative system, and on the other the principles of representative Government freely and fully conceded, and that spirit of responsible

Government would work itself out with every necessary detail. It has often, sir, been proposed to abolish the Viceroynalty, and some gentlemen have even been sanguine enough to believe that by the abolition of the Viceroy you would solve the Irish problem (a laugh). I must say that displays a faculty of belief far beyond any understanding or imagination to which I have ever been able to aspire. We propose to leave

THE VICEROY

without interference by the act, except in the particulars I am about to name. This office could only be altered by statute. He would not be representative of a party (hear, hear). He would not quit office with an outgoing Government. He would have around him, as he has now in a certain form, a council or privy council to aid and advise him, and within that privy council an executive body would form itself under the action of the principle of responsible Government for the purpose of administering the various offices of State the Queen would be empowered to delegate to him in case his office should be permanently continued, which I am far from believing unlikely. Those prerogatives she has or will have under the act. Finally, we have not forgotten that his office almost alone is still affected by one solitary outstanding religious disability, a kind of Lot's wife, after everything else in connection with religious disability is gone, and this we propose to remove by the bill (oh, oh, and hear, hear). The next point is with regard to

THE JUDGES OF THE SUPERIOR COURTS.

And here I draw a personal distinction between present and future judges. As regards the Judges of the Superior Courts now holding office, we desire to secure to them their position and their emoluments in the same absolute form in which they now exist, although they will become chargeable on the Consolidated Fund of Ireland, which we propose to constitute by the act, yet they would retain also a lien on the Consolidated Fund of Great Britain. We propose that under the peculiar circumstances of Ireland—we cannot forget that some of these judges, by no fault of their own, have been placed in relations more or less uneasy, with influences, popular influences, and which we may naturally suppose will become the dominant influences in the future. We cannot overlook Irish history in framing the provisions of this bill; and we therefore propose, both with regard to the judges now holding office and with regard to other persons who, in what they deemed loyal service to the empire, have been concerned in the administration and conduct of the criminal law in Ireland—we propose that her Majesty, lightly or wholesale, but if she should see cause upon particular occasion, by an Order in Council, antedate the pensions of these particular functionaries (hear, hear). With regard to

FUTURE JUDGES

the whole matter will be more simple. We propose to provide that they should hold office during good behaviour—those are the superior judges; that their salaries should be charged on the Irish Consolidated Fund; that they should be removable only by a joint address from the two orders of the Legislative Body; and that they should be appointed, as a general rule, under the influence of the responsible Irish Government. There is one exception which will require to be made in the case of

THE COURT OF EXCHEQUER,

which is the Court of Revenue Pleas. I will not enter upon any detail now, but the enormous financial relations which now subsist and

which will still subsist between Great Britain and Ireland, if our measures be carried, make us feel for reasons perhaps on another occasion I shall more freely explain, that it is necessary to keep a certain amount of hold upon the Court of Exchequer, or at least upon two of its members, but as a general rule the action of the judges will pass the new Irish Executive, and will rest with them, just as it has rested for the time with the old Irish Executive. I must say a few words on the important subject of

THE CONSTABULARY

(hear, hear.) The substance of these words really amounts to this—that I think that there remains much for consideration in order to devise the details of a good and a prudent system, but we think it our first duty to give a distinct assurance to the present members of that distinguished and admirable force that their position will not be put to prejudice by this act either in respect to their terms of service or with regard to the authority under which they are employed (cheers). The case of

THE DUBLIN POLICE

is not quite the same, but we propose the same conditions with respect to the Dublin police as far at any rate as the terms of service are concerned. With respect to local police I will say nothing, because I don't at present intend to anticipate what may be matter hereafter either for free consideration or discussion or for the action of the Irish legislative body. There will be no breach of continuity in the administration of the country as to the police. One thing, sir, I cannot omit to say—the Constabulary afford an admirable case—and I don't intend by what I am going to say to qualify in the smallest degree what I have said, but the Constabulary on its present footing exhibits one of the most remarkable instances of the waste of treasure of an enormous expense, not with good results but with unhappy results (Irish cheers), under which the civil government and the general government of Ireland has been carried on. With reference to the police, I ought to inform the house that the Constabulary in Ireland costs no less than

A MILLION AND A HALF OF MONEY A YEAR ;

And you must remember that Ireland is a cheaper country than England in which to reside (hear, hear). If, then, the police service was founded upon the same system to that of England, and organised in the same manner, there ought to be a large saving of expense in this direction, and our object is to bring about that result (cheers). Now, the house may be surprised when I tell them this—The present Constabulary of Ireland costs £1,500,000 a year—every penny is now paid out of the British Exchequer. If the police of Ireland were organised on the same principles and the same terms as the police of England the cost, instead of being £1,500,000 a year, would not exceed £600,000 (hear). That will give to the house some idea of the enormous charges at which we have been governing Ireland under our present system (hear, hear), and it also showed how judicious reductions might be made (cheers). Well, anticipate a vast reduction in expenditure so far as the police is concerned. The charge is now a million and a half. We propose that the Consolidated Fund of Great Britain should for the time relieve the Irish legislative body of all expenditure in excess of a million and a half. I am bound to say that I do not look upon a million as a proper charge to be imposed (cheers). I am perfectly convinced that the charge for police

will be reduced to a very much smaller sum, of which Ireland will reap the benefit (hear, hear), and there is one thing I must say we have no desire to exempt the police of Ireland in its final form from the ultimate control of the legislative body. The arrangements upon this subject have been made under the peculiar circumstances of the country, but certainly we have no jealousy in the subject, and I own I have a strong notion that when the signs and recollections of the old antipathies have been effectually obliterated, the care of providing for the ordinary security of life and property of citizens is the very first duty of any good local governing body (cheers). With respect to

THE CIVIL SERVICE

generally, we have not touched that, and I have already stated that the police would remain under the present terms of service and authority. I have said that possibly the Irish Parliament may assume control over the change. That control will, however, be prospective, and will not involve any inquiry to actually existing rights. In future, the Civil Service of the country will be absolutely under the control of the Parliament sitting in Dublin. The case of the present Civil Service is not in all respects like that of the constabulary or the judicial officers, and yet it is a great transition, and it will, no doubt, be the desire of the Legislative Body of Ireland very early to effect a great economy in its establishments. We have, therefore, considered in what way we can at once provide what is just for the civil servants of Ireland, and at the same time set free the hands of the legislative body on this salutary work of economy and retrenchment. Our opinion is that, on the whole, it will be wise, in the joint interest of both, to authorise the civil servants now serving to claim the gratuity or pension which would be due to them upon abolition of office, and to provide that they shall serve not less than two years to prevent an inconvenient lapse in the practical business of the country, and at the close of this two years both parties shall be free to negotiate, the civil servants not being bound to remain, and the legislative body in Dublin being in no way bound to continue their services. That is all I have to say on the subject of the new Irish constitution. But I have still to speak on matters on which some detail is requisite. I refer to the subject of

FINANCE.

I have now to give a practical exposition of the phrases which I have used—that we looked upon it as an essential condition of our plan that there should be an

EQUITABLE DISTRIBUTION OF IMPERIAL CHARGES.

The meaning of that is, what proportion shall Ireland pay? But I must remind hon gentlemen before I enter on the next explanation that the proportion to be paid is not the only one thing to be considered. You must also consider the basis upon which that proportionate payment is to be made. At the Union it was intended that Ireland should pay 2-17ths, or in the relation of 1 to 7½ of the total charge of the United Kingdom. The actual and true payment now made by the Irish taxpayer is not as 1 to 7½ but as 1 to 12, or about 1 to 11½. The proposal that I make is that the proportion chargeable to Ireland shall be 1 to 14 or 1-15th. But then that will not be understood until I come to join it with other particulars. I will look, however, for a little to the question, what are the best tests of the capacity to pay. Many of these tests have been suggested. One of which I conceive to be a very imperfect test them is

THE INCOME TAX,

(hear, hear). The income tax I believe would give a proportion not of 1 to 14 but of 1 to 19; and this is to be borne in mind in regard to the income tax, that while on the one hand it is made in Ireland upon a lower valuation than in England and Scotland—of course in England, as we all know, Schedule A is levied on the full rents, while in Ireland it is levied upon a lower valuation than in England or in Scotland. It is also unquestionable that many Irishmen hold securities for which dividends are received in London, and which pay income tax, I hope (laughter) in most cases before they come into the hands of the persons entitled to them, so that it is almost a certainty that a considerable sum ought to be added to the Irish income tax, which would raise the proportion of 1 to 19 to perhaps about 17. But there are tests which, if not perfect, I consider to be far superior to the income tax's. One of them is the test afforded us by

THE DEATH DUTIES,

not by the amounts levied, because the amounts levied vary capriciously under the consanguinity scale, but by the property passing under the death duties, and the amount of property passing under the death duties I conceive to be by no means a bad test in this matter. Well, sir, the amount of property passing under the death duties, while it was £166,000,000 in Great Britain, was £13,833,000—nearly £14,000,000—in Ireland, which would give, I think, a relation of one to twelve or one-thirteenth. Another test by no means to be despised is the valuation of the respective countries. But, then, that valuation must not be made arbitrarily upon a particular portion of property. We must compare the valuation of the entire visible property of one country with the entire visible property of the other. The comparison is again favourable to Ireland, because, as I have said, the valuation—I beg pardon—I have confounded the two, and I must go back to the death duties. The amount of property on which, on an average of three years, the death duties fell was, for Great Britain £117,000,000 and in Ireland £12,908,000, or 1 to 13. These are the figures for the property passing under the death duties, and I have taken the three years since we entered upon a somewhat new administration of the death duties, and that is by far the best basis of comparison I can find. It is when I come to the valuation, which I find is also favourable to Ireland, inasmuch as Ireland is valued lower in proportion to real value than England and much lower than Scotland. It is there that the valuation of the latest years of Great Britain, £166,000,000, and of Ireland, £13,833,000, give a proportion of one to 12 or one to 13. Under these circumstances what have we to do? In my opinion we ought to make for Ireland

AN EQUITABLE ARRANGEMENT,

and I think when I propose to assume what the proposition of one-fourteenth will be it will be seen that it is an equitable and even a generous arrangement. I mention three considerations. The first of these considerations is that if we start an Irish legislative body, we must start it with some balance to its credit (laughter and cheers)—we cannot start it on a deficiency, but if we start it with a balance to its credit, I know of no way except a solitary £20,000 a year which still remains to be worked out of the Church Surplus after all demands have been made upon it—I know of no way of honestly manufacturing that balance, except by carving it out of the Budget of the coming year, and providing for the sum to which it

amounts at the expense, not, as it will then be, of the Irish, but exclusively of the British and Scotch taxpayers. That is one consideration. The second consideration is this—I take this fifteenth, or one to fourteen, for the purpose of ascertaining what share Ireland is to pay to the Imperial Executive. But when I said that Ireland now paid one to eleven and a-half or one in twelve and a-half of the whole gross Imperial expenditure—when I say that we shall ask her to pay one-fifteenth of the Imperial expenditure in future, that is of an Imperial expenditure rather materially cut down—for upon consideration it has been thought right, in computation of military expenditure, to exclude from that altogether what ought strictly to be called war charges. We do not propose in fixing the future Imperial contribution of Ireland to base the calculation on the supposition of her share in the charge analogous, for example, to the vote of credit for 11 millions. Therefore, the proposition of one in 15 or one-fifteenth, is to be applied to a scale of Imperial expenditure materially reduced. But, sir, there is another consideration that I think it right to mention, and it is this. This Imperial contribution would be paid by Ireland out of a fund composed, in the first instance, of the entire receipts out of the Irish Exchequer. But that, sir, is not a true test of the amount of taxes paid by Ireland. There are goods which pay duty in England which are exported, duty paid, to Ireland, which are consumed in Ireland, and upon which, therefore, the duty is really paid by Irishmen, while the receipts go into the English Exchequer (hear, hear). But then, sir there is no room for a corresponding movement the other way; but there is a movement very much larger and more important.

THE SPIRITS IN IRELAND

pay more than a million of duty; I think a million and thirty thousand pounds is paid upon spirits in Ireland that are exported to Great Britain. Every shilling of that duty is really paid by Englishmen and Scotchmen, but at the same time the whole receipt goes into the Irish Exchequer (hear). The same thing holds with respect to porter brewed in Ireland—the same thing holds with regard to a very considerable manufacture of tobacco carried on in Ireland. We have made it the object of our best efforts to ascertain how much money Ireland loses to England by the process which I have described, and which I have no doubt is accordingly understood by all the members of the house; how much money Ireland loses to Great Britain by the flow of duty-paid commodities from Great Britain to Ireland, and how much money Great Britain loses to Ireland by the flow from Ireland to Great Britain, and the result of this investigation is (I state it with confidence, not as if it were actually to be demonstrated on every point by a Parliamentary return), but I state it as a matter of certainty with regard to the far greater portion of the sum, and substantially as a matter subject to very little doubt—that Ireland at this moment in Irish receipts gains from Great Britain, by a process I have described, more than Great Britain gains from Ireland, and more to no less an amount than fourteen hundred thousand pounds. That fourteen hundred thousand being paid by the British tax payers forms part of the Irish receipts. If you maintain the fiscal union of the Empire—if you do not erect, as I trust you won't erect, a custom house between Great Britain and Ireland (hear, hear)—if you are content to let things take their natural course accord-

ing to the ordinary natural movement of trade, fourteen hundred thousand pounds will be paid to the benefit of Ireland at the charge of the English and Scottish taxpayer, and form a portion of the fund out of which Ireland will defray the contribution that we propose to levy; and if one in fourteen which I have been describing, and the Imperial contribution based upon it, comes to be reduced by subtracting this fourteen hundred thousand pounds, the fraction that comes out would not be one-fourteenth, but I believe it would be a fraction changed into a fraction of one twenty-sixth. That is a very great change—that is the benefit she gets, not owing to the state of the law but owing to the course of trade. You cannot take it away without breaking up the present absolute freedom between the two countries, and we do not ask you to take it away. I hope it will be borne in mind by those who may have thought the charge of one-fifteenth is a heavy charge to impose upon Ireland, and you may think, as I certainly do, that in a case of this kind, after all that has occurred, when two countries compared with a third are very strong and very rich, when brought into comparison with one of far more restricted means, the precautionary arrangements that we make ought to be equitable, and in some moderate degree bountiful, to Ireland. Now, sir, it would be interesting to the house to know what payment *per capita* in the place I have described would be to the Englishman and to the Briton—I say Briton because I know that Scotchmen like to be called Britons, but do not like to be called English (laughter). Now, if I were to take the present contribution of Ireland to the entire expenditure of the country according to the receipts into the two Exchequers, the inhabitants in Great Britain pay *per capita* £2 10s, whilst the inhabitants in Ireland pay £1 13s 7d *per capita*, which is obviously unjustly and inequitably in favour of Ireland (hear, hear). Then, if I take the real payment of the Irish taxpayer and compare it with the real payment of the taxpayer of Great Britain, the present payment *per capita* for Great Britain is £2 10s 11d; for Ireland, £1 7s 10d—certainly a much more considerable relation. Now, I pass to the basis of the one-fourteenth or the one-fifteenth. This is not formed upon the total expenditure of the country, but upon what we are about to reckon as

IMPERIAL EXPENDITURE.

The respective contributions to Imperial expenditure, *per capita*, will be for Great Britain £1 10 11d, and for Ireland, 13s 5d. I don't think that that sounds an inequitable arrangement (hear, hear). I wish to explain

EXACTLY WHAT ALTERATION I PROPOSE TO MAKE.

In the proposal now made Ireland will pay 13s 5d, whereas if the present proportion were maintained she would pay 16s 10d *per capita*, and I think it will be admitted that that is a considerable diminution in favour of Ireland (cheers). I have

ONE OTHER STRIKING FACT

to state in connection with Irish expenditure. The house, I think, would like to know what amount is going on at this moment of what I might call waste of public money—(cheers)—what I may even call demoralising waste (renewed cheering.) This expenditure I may say has been demoralising in respect to both countries. Sir, the civil charges *per capita* at the present time in Great Britain amounts to 8s 2d; whilst the civil charges in Ireland amount to 16s 2d *per capita*, and they have increased in the last 15 years 63 per cent; and for my part my belief is

present administrative system be maintained you must make up your mind to a never-ending and never-to-be-limited augmentation. The amount of the Irish contribution upon the basis I have described would be as follows:—One-fifteenth of the annual net charge would be £1,466,000, one-fifteenth of the army and navy charge, after excluding what we may call war debts, and also excluding the volunteers and yeomen, would be £1,666,000, and the amount of the civil charges which are properly considered Imperial would entail upon Ireland £110,000, or a total charge, properly Imperial, of £3,242,000. I am now ready to present what I may call

AN IRISH CROTCHET

(laughter), a debtor and creditor account of the Irish Exchequer (hear, hear). The Customs produced in Ireland the gross sum of £1,088,000; the Excise, a gross sum of £4,300,000; Stamps, £600,000; Income Tax and non tax, Revenue including Post Office, £1,020,000, and perhaps, sir, here I may mention as an instance of the demoralising waste that now attends Irish administration that it will perhaps surprise the house to learn that while now in England and Scotland we levy from that post office system and telegraphs a large surplus income in Ireland the post office and telegraphs gave a surplus so small that it is not worth mentioning (hear, hear, and murmurs). I call that a very demoralising way of spending money. It shows that while there is not, I believe, a finer department in the country than the post office, yet that in one way or another our method of administering business by influences known to be English, not Irish, leads to a vast want of unnecessary expenditure (hear, hear). The total receipts of the Irish exchequer are thus seen to be £8,350,000 Against that I have to place

AN IMPERIAL CONTRIBUTION

which I may call permanent, because it will last for a good number of years, of £3,242,000. I have put down £1,000,000 for the Irish constabulary, because that would be the first charge for the constabulary, though I hope it may soon come under a very effective reduction. I put down £2,510,000 for the other civil charges of Ireland, because there again I trust, I have not the slightest doubt, that the charge would be very effectively reduced by the Irish Legislative Government. Finally, the collection of the revenues is £834,000, making a total thus far of a charge of £7,586,000. Then, sir, we have thought it essential to include in any arrangement, not only for our own sakes, but for the sake of Ireland also, payment on account of a sinking fund which will be now available for

THE ENTIRE NATIONAL DEBT.

We have now got to leave a certain portion of that debt to Ireland. We think it necessary to maintain that sinking fund as necessary above all; and now I say it in the hearing of the Irish members in the interest of Ireland, because, like other countries, when she gets the management of her own affairs—indeed I venture to prophecy she will want money for more useful purposes, and then she will begin to borrow (cheers and laughter). Her position will remain higher or lower according to the condition of her public credit. Her public credit is not yet born (laughter), but infants in the cradle may require a good deal of nursing, but no nursing would be effective unless it is made plain and palpable to the outside world that she has made provisions for meeting her obligations

put down $\frac{1}{2}$ per cent for a sinking fund, which would amount to £360, 00, which would make the expenditure £7,946,000, against an income of £8,350,000 leaving a surplus amount remaining to the good of £404,000. But I should state to the house that this is carried out of the funds which the Chancellor of the Exchequer pays for the discharge of our electoral expenditure; but at the same time I have not the smallest doubt that in a very limited number of years that expenditure might entirely be extinguished. Sir, the house has heard me with an astonishing patience (cheers), and labouring under what I have had to say it must have proved an intolerable infliction of what is an interminable task (hear, hear). There is only one subject more on which I feel it is necessary that I should detain you for a few moments. It is said in England and in Scotland, and in the main it is truly said, we have been for many years

STRUGGLING TO PASS LAWS FOR IRELAND.

We have sacrificed time, neglected our business, we have paid our money, and we have made it our endeavour to govern Ireland with favour. Well, that is quite true, in a sense, of the general course of legislation since 1829; but it has not always been true. I am bound to say that there have been exceptions made. Many of the laws have been passed under what I cannot describe except under the influence of fear, and some of them were passed in a spirit of grudging jealousy. It will be remembered that after four or five years' labour the Parliament passed the Municipal Corporation Acts; but I cannot forget that the great bulk of the Corporations in Ireland were extinguished, while those of England were reformed, and those of Scotland were restored to their deserved municipal position. I will not now, of course, go into the history of the Land Question, but no man knows the history of that question until he begins and comes down to the present from the year of

THE DEVON COMMISSION.

perhaps the first effort after those made by Mr. Sharman Crawford to deal with the land question, and the appointment of that commission does the highest honour to the memory of Sir Robert Peel, and if the history of that commission is looked up, one may examine the mode in which it was frustrated by the domination and self interest of the British Parliament, and from that first effort it was not possible to deal with the Irish land question until the year 1870 (hear, hear). I take this opportunity of asserting that that class of views was not always confined to Irish members or to Liberals on this side of the house

THE LATE MR NAPIER.

who became Lord Chancellor of Ireland, when he sat for the academical constituency of Dublin, developed very early, and with great earnestness truly liberal views on the subject of Irish land, and made generous efforts in that behalf, which generous efforts were abortive, as were several others. Still I could not for the moment deny the good intention—I do not think that Irish members would deny the good intention of the united Parliament on a variety of great and conspicuous and even historical occasions—to pass good laws; but, sir, may I say that in order to work out the purposes of Government there is something more in this world occasionally required than even

THE PASSING OF GOOD LAWS.

It is sometimes requisite that not only good laws should be passed but also that they should be passed by the proper persons. The passing of

should be good but that they should proceed from a congenial and native source, and that besides having those laws they should be their own laws (cheers). It might have been doubted in former times whether this development could be established. If doubts could then be entertained they cannot now be entertained. The principle that I am laying down I am not laying down for Ireland exceptionally, it is the very principle upon which within my recollection we have not only altered but revolutionised our method of governing the Colonies (cheers). I had the honour of holding office in the Colonial Department, perhaps I ought to be ashamed to confess it,

FIFTY-ONE YEARS AGO.

At that time the Colonies were governed from Downing street. It is true some of them had legislative assemblies, and what was the result? We were always in conflict with them, for we were always fed with information by what is termed the British party in the Colony (Parnellite cheers). The state of things in which we lived was that a clique of gentlemen constituted the British Party and the non-British Party, or, as it was sometimes called, the disloyal Party (Parnellite cheers), was composed of the enormous majority of the population of the colony (hear, hear); and so we had continual shock, continual debate, continual conflict; but that, sir, has been changed. England tried to pass good laws for her colonies at that period; but the colonies said, "We do not want your good laws—we want our own" (Parnellite cheers). We admit the reasonableness of the principle. It has now come home to us across the sea, and we have to consider whether it is applicable to the case of Ireland. Do not let us disguise from ourselves we stand face to face with what is termed Irish Nationality; and this

IRISH NATIONALITY

rests itself in a demand for local autonomy or Self-Government, general and pretty complete Self-Government in Ireland, but not on Imperial affairs. Is this, sir, an evil in itself? Is it a thing which we ought to view with horror or apprehension? Is it a thing we ought to reject, or accept only with a wry face, or wait until some painful or sad necessity is incumbent upon us, like the necessity of 1780, or like the necessity of 1793? Sir, I hold that it is not a thing of that kind. There is a saying of Mr. Grattan, who was, indeed, a very fervid rhetorician; he was an orator, but, more than that, he was a statesman (Parnellite cheers)—some of his aphorisms are, in my opinion, weighty, and even profound, and I commend them to careful reflection. One of these sayings of Mr. Grattan when he was deprecating the surrender of the Irish Parliament, not pleading for the severance of his country, which he detested, is embodied in a few words—"The Channel forbids union, that is the union contemplated by Mr. Pitt, but

THE OCEAN FORBIDS SEPARATION"

(hear, hear). Is that Channel nothing? Do what you will with your steamers and your telegraphs, can you make the Channel to cease to exist or to be as if it did not exist? These sixty miles may appear but little, but I ask you what are the twenty miles between England and France? What vital influences has the existence of those few miles of water had on the whole history, the whole development of the national character? These, sir, are great facts. I would even appeal to your jealousy in respect to such matters as the Thames tunnel. You were afraid that identification (cries of

pardon. Sir, I hold that there is such a thing as LOCAL PATRIOTISM,

which in itself is not bad but good (cheers). The Welshman is full of local patriotism. The Scotchman is full of local patriotism. The Scotch nationality is as strong as ever it was, and if the need were to arise I believe it would be as ready to assert itself as it was in the days of Bannockburn (hear, and cheers). I do not believe that that local patriotism is an evil, and I believe it is stronger in Ireland even than elsewhere. England is wonderfully English; the Scotchman is profoundly Scotch; and, if I read Irish history aright, misfortune and calamity have wedded her sons to their soil with an embrace yet closer than is known elsewhere, and the Irishman is

STILL MORE PROFOUNDLY IRISH.

But, sir, it does not follow that because his local patriotism is strong that he should be incapable of an Imperial patriotism. There are two modes of presenting the subject which I have argued. One of them is to present what we now recommend as good, and the other is to present it as

A CHOICE OF EVILS,

and as the lesser among the varied evils with which as possibilities we are confronted. Well, sir, I have argued the matter as if it had been a choice of evils; I have recognised as facts, and as entitled to attention, jealousies which I myself do not share or feel (hear, hear). I have argued it on that ground as the only ground on which it can be recommended, not only to a mixed auditory, but to the public mind of the country that cannot give minute investigations to all portions of this complicated question. But, sir, I do not know whether it may appear too bold; but in my own heart I cherish the hope that this is not merely the choice of the lesser evil, but that it may be, and that it may be proved to be long, a good in itself (loud cheers). There is, I know, an answer to this, and what is the answer? The answer, sir, is only found in the view which rests upon the basis of despair, of absolute condemnation of Ireland and Irishmen as exceptions to the beneficial provisions which have made in general Europeans in particular and Americans capable of self-government, that an Irishman is a *lusus nature*, that justice, common sense, moderation, natural prosperity have no meaning for him, and that all that he can understand and all that he can appreciate is strife and perpetual dissension. Now, sir, I am not going to argue in this house whether this view, this monstrous view (Irish cheers), is a correct one. I say that an Irishman is as capable of loyalty as any other man (renewed Irish cheers). But if his loyalty has been checked, why is it? Because the laws by which he is governed do not present themselves to him as they do to us in England or Scotland, with a native and congenial element. Now, I think I can refer to more than one illustration in support of this doctrine—I can advance two instances, viz—

THE IRISH SOLDIERS AND THE IRISH CONSTABULARY.

It is impossible to find any more loyal men in the army than Irishmen. They share their dangers with the Scotch and the English, and they have done all they could to preserve the safety and honour of the Empire (cheers). But compare his case with the ordinary Irishman in Ireland—he is to all intents and purposes a volunteer who has placed himself under military law. But the same thing does not apply to the men who are there engaged in agriculture, and who believe they are being governed by a law

which does not spring from the soil. The Constabulary are, I believe, more than loyal (cheers). It has been said, and very commonly said, that the Irish Constabulary are as a rule drawn from the Roman Catholic population, amongst whom the greatest disaffection, it is stated, exists; and yet I can point to the constabulary as a splendid body of men, animated with the spirit of obedience, discipline, and devotion to the work they have to discharge—a spirit and a devotion which can scarcely be matched in any other country in the world (cheers). The constabulary are placed under proper authority, and I thoroughly believe are just as loyal as any Englishman or Scotchman born upon this side of the Channel (hear, hear). We are sensible of all this. We had a choice to make, and that choice was made, not, I assure the house, without a great deal of thought and a great deal of care (cheers). It has been made with the true knowledge that we should meet with trials and difficulties, and that we should be confronted with many objections in the path we have taken (hear, hear). I have no right to say that Ireland through her constitutionally-elected members will accept the measure I propose—I hope they will—but I have no right to assume it, nor have I any power to enforce it upon the people of England and Scotland (hear, hear). There are difficulties, but I rely on the patriotism and the sagacity of this house. I rely on the effects of free and full discussion. I rely, more than all, upon the just and generous sentiments of the two British nations; and looking forward I ask the house, believing that

NO TRIVIAL MOTIVE

could have driven us on to assist us in the work we have undertaken, a work which we believe will restore Parliament to its dignity and legislation to its free and unimpeded course. I ask them to stay that waste of the treasure under the present system of government and administration in Ireland which is not a waste only, but a waste which demoralises while it exhausts. I ask them to show to Europe and to America that we, too, can face the political problems which America had to face 20 years ago; which many countries in Europe have been called on to face, and have not feared to deal with; that we should practise as we have very often preached, and that in our own case we should be firm and fearless in applying the overtures we have often inculcated on others that the concession of local self-government is not the way to sap or impair, but to strengthen and consolidate, unity. I ask that we should learn to rely less on mere written stipulations and more on those better stipulations written on

THE HEART AND THE MIND OF MEN.

I ask that we should apply to Ireland the happy experience we have gained in England and in Scotland where a course of generations has now taught us not as a dream or a theory, but as a matter of practice and of life, that the best and surest foundation we can find to build on is the foundation afforded by the affections and the convictions and the will of man, and that it is thus, by

THE DECREE OF THE ALMIGHTY,

that far more than by any other method we may be enabled to secure at once the social happiness, the power, and the permanence of the empire.

The right hon gentleman then resumed his seat, after speaking three hours and twenty-five minutes, amidst a burst of enthusiastic and sustained cheering, which was maintained for some minutes.

THE HOME RULE BILL;

WITH WHICH IS PUBLISHED

MR. GLADSTONE'S SECOND SPEECH,

DELIVERED

On TUESDAY, 13th APRIL, 1886.

In the House of Commons, on Tuesday, April 13, 1886,

Mr GLADSTONE, who was received with loud and prolonged cheering, said—I will make at the outset one or two very brief remarks upon the speech of the right hon gentleman. He has quoted words from me with an extension given to them which was not contained or conveyed in the original. The argument I made upon the proposal of 1871 was that no case had at that time been shown to justify the breaking up, not of the institutions of the country generally, but of the Imperial Parliament (hear, hear). At that time, after the Church Act of 1869 and after the Land Act of 1870, I did cherish the hope that we might be able by legislation in this house to meet the wants and wishes of Ireland, but my speech on that occasion contained none of the apprehensions with which the minds of gentlemen on the benches opposite are full. On the contrary, I then stated in the most explicit manner that I heard with joy and accepted with the utmost satisfaction the assurance that the demand which was beginning to be made by Mr. Butt for Home Rule did not involve in any way the disintegration of the empire (cheers). I certainly will not enter into any discussion on the Transvaal Convention, as I do not conceive that any vindication from me is wanting of an act which I believe has been recognised by this country as a great act of justice (hear, hear, and cheers), or perhaps a more accurate description of it would be the undoing of a great act of injustice (no, no, and cheers). The right hon gentleman says I have shown mistrust of the Irish Legislature by providing safeguards for minorities, but I have already stated in the most distinct terms that they are provided, not in consequence of mistrust entertained by me, but in consequence of mistrust entertained by others (hear, hear). The words "foreign garb" were used by me not with reference to the beneficent acts done by this Parliament to meet the wants of Ireland, but to the ordinary operations of the criminal law, and especially in association with the provisions of special repressive or coercive measures (cheers). The right hon gentleman speaks of the disappearance of the Roman Catholic Association from the scene as a triumph gained by the vigour and firmness of Parliament; but it was due, on the contrary, to the introduction of the Roman Catholic Relief Bill, as unhappily the introduction of that bill was due, as the Duke of Wellington himself declared, to apprehension of civil war (cheers). It has been said that we had not a formulated demand from Ireland for the measure, but we know in substance the wish of Ireland on the subject from her constitutionally chosen representatives (oh, oh, and Home Rule cheers). And if the demand be a just and reasonable one, you cannot hasten too much to meet it, instead of waiting till the day of disaster,

and difficulty, and dishonour (cheers). There is one matter of detail which I must notice, because it has been touched upon so largely in this debate. I mean the question of the cessation of the presence of the Irish members in this house. When I spoke on Thursday I laid down five essential conditions, from which it appeared to me we could under no circumstances depart, and they were—That the grant of a domestic legislature to Ireland must be consistent with Imperial unity, must be founded upon the political equality of the three nations; that there was to be an equitable distribution of Imperial burdens; that there should be safeguards for the minority; and that the measure should be in the nature of a settlement, and not a mere provocation to the revival of fresh demands. I have been reported as having stated that the assumption of the customs and excise by this country and the absence of the Irish members from this house were also vital and essential to the conditions of the bill. What I believe I stated was that the hundred and three Irish members could not come here and vote upon all matters, English, Scotch, Irish, and Imperial alike—that I conceived it to be wholly inadmissible. I also said that in my opinion it was impossible for England to force upon Ireland taxation without representation, and that if the Irish members were to disappear, either permanently or for a time, from this house, it might be by the consent of Ireland herself. It has been suggested that the Irish members might come with limited powers, and that I had failed to discover the means of drawing the lines; and that they might come in limited numbers, as suggested in the weighty speech of my hon friend the member for Bedford. Well, viewing the importance of the subject, and the immeasurable importance of the objects we have in view, I do not think it would be politic, it would even be presumptuous, were we to take upon ourselves to place before the house at this early stage such details or to close the door against the consideration of this particular subject (cheers). My right hon friend the member for East Edinburgh is terribly alarmed at the arguments drawn from the eighty-six Nationalist members in the house. What I venture to say is this—that the deliberate constitutional expression of the wishes of Ireland through a vast majority of her members entails upon this house the duty and obligation of a respectful and favourable consideration of every wish that Ireland may entertain consistently with the interests and the integrity of the Empire (Home Rule and Ministerial cheers). My right hon friend said there was no difference in principle between Ireland and Scotland. Well, his experience as a Scotch member is short (laughter). But I would venture to say that if the majority of Scotch members demand something on

the ground of Scotch freedom and opinion as essentially required in order to satisfy the just wishes of Scotland, I would not advise my right hon friend, if those wishes be consistent with the integrity of the Empire, to put himself in conflict with such expressions of opinion (laughter and cheers). My right hon friend the member for Rosendale complained that there was no analogy to be drawn from the proceedings in the Protestant Parliament of Grattan. What was the meaning of this? I have argued that Grattan's Parliament showed no tendency or disposition towards separation, and that he looked upon the separation of the Parliaments as the means of uniting the hearts of the Irish people to this country (Home Rule cheers). It has been greatly owing to the concentration of power in the hands of the few—and I may go further and say, what grosser and more woeful state of affairs can we refer to?—and are we to be told this when for fifty years we have been engaged in breaking down exclusive power in this country, and writing out of the statute book every religious disability, as we propose by the measure we are about to bring before this house? (Loud cheers.) There seems to be no faith entertained in the people by those who make those demonstrations against us—they shut out the people, they think, because they consider their influences all lead in the direction of dangers (hear, hear, and oh). In this country we have found the trusting of the people the source of strength and independence, and we expect to find the same result in Ireland under similar circumstances (hear, hear). My right hon friend (Mr. Goschen) seems desirous to sum up the misdeeds of the Irish people when he says that in no country but Ireland would a no rent manifesto be prepared. That is the serious inquiry that he puts. My first observation, is what country has so lamentable, so deplorable, a history—a history as disgraceful to those who had a hand in bringing it about as it is to those who maintained the relations between those who own the land and those who occupy it? The speech of my right hon friend appeared to proceed upon the assumption that there is something ineradicable and incurable at the present moment in Irishmen—that they had received a double dose of original sin (loud laughter). Is it to be wondered at that the notions of Irishmen have been peculiar on the subject of the land when you bear in mind that the Devon Commission, appointed under a Tory Government, reported that the agricultural people of Ireland bear, and did bear, with admirable and exemplary patience sufferings greater than those that ever fell to any people in Europe? (Irish cheers.) Are we so ignorant as to suppose that those sufferings borne for generations—I may say for centuries—and disclosed to the world on the highest authority, were removed when an attempt to do something failed through the narrow jealousy and selfishness of class? (Renewed Irish cheers.) Does my right hon friend not see how this must have left its mark in history, and in the nature, disposition, and habits of men who have been suffering under such abominations? (Cheers.) My right hon friend further says that my analogies from foreign countries are bad—that the analogy of Austria and Hungary and the analogy of Norway and Sweden have nothing to do with the question of Ireland. My statement has been entirely misinterpreted (laughter from the Opposition). I never said that the analogy was exact, but that the circumstances

were exactly parallel, but what I say is this, that if called upon to do what has been done in those countries, we can do with infinitely greater advantages all that they have done with infinite difficulties (hear, hear). That is what I said, and I say now that it is quite true. There was not a supreme Parliament in Sweden which could deal with the case of Norway, nor has Austria been able to deal with Hungary with any of that supremacy of a Parliament, with its political right and the enormous power of that political right behind it; yet the problem has been solved in the case of Sweden and Norway by the granting of separate domestic legislatures and local political independence, with the result of union between the two peoples; and that union has become close, is growing closer day by day (loud cheers); and I venture to think that this is a case which illustrates and has a bearing on the great argument before us (hear). The right hon gentleman (Mr. Goschen) says that the interests of this country are interlaced with the interests of Ireland. I am astonished to hear this put forth to pass muster for an argument. It is true, and I thank God that it is true, that the interests of both countries are interlaced so far as it enables us to deal with this question, for I do not think that the most extreme person will overlook this interlacing of interests; for, if we have benefits to obtain from each other, and that Ireland cannot do injury to England without suffering herself, that knowledge will assist rather to help us on. Sir, the basis of the right hon gentleman's argument is that the Irishman will do wrong, that there is no way of making him listen to the dictates of prudence, kindness, or justice (laughter). The right hon gentleman went on to describe the fruitful change everything has to undergo—legislation was to be changed, administration was to be changed, the Civil Service was to be changed, the face of nature was to be changed (laughter), so terrible was to be this revolution. Is there no common sense amongst that portion of our fellow-countrymen? When I listened to the speech of my right hon friend it recalled to my memory a striking sentence spoken by Lord Russell fifty years ago, which was implanted deeply on my memory at the time, and which I never have forgotten, and never, I hope, will forget. It was at that period when, under the administration of the Melbourne Government, Thomas Drummond was Secretary for Ireland, who endeavoured so far as he could to carry on the Irish administration in sympathy with the feelings of the people (Home Rule cheers). His misdeeds, for so I must call them, found their climax in his utterance of the portentous doctrine which shook Conservatism from Land's End to John o' Groat's house—that property had its duties as well as its rights. The expression of that doctrine and the corresponding misdeeds of the Government caused many debates in this house. Lord Russell, in his quiet way, rising to take part in the debate, said—

It appears to me, all these objections, all these difficulties, and all these accusations—(if I am not quoting the words accurately I am very near the mark)—may be summed up in one single sentence. It comes to this—that as England is inhabited by Englishmen, and Scotland by Scotchmen, so Ireland is inhabited by Irishmen.

A sentence in which I believe there was the seed of great wisdom. Lord Russell knew very well that Ireland did not come here to conquer England seven hundred years ago, but that they went

to conquer Ireland. We favoured them with our company (laughter). We have been all along the stronger party of the two, and it is one of the uniform and unfailling rules that guide human judgment, that when there has been a long relationship between superior strength and inferior strength, and when that relation has gone wrong, the responsibility, aye, and the guilt, comes in the main upon the strong and not upon the weak. I must say the question to which I am about to refer is an astonishing question—a question very proper to be asked upon a second reading of a bill, but such as I have never heard even a novice in this house ask on the introduction of a bill. Sir, if such questions are proper to be asked, this house ought to alter its rules, and give the introducer of a bill the power to have it printed and to lay it on the table on the first reading. The right hon gentleman asks me about the veto (Opposition cheers). My opinion is that the principle upon which the veto is now worked in our principal dependencies, though I have no desire to reduce Ireland to the position of a colony, will be practicable also in respect to Ireland (cheers). With regard to the levying of the income tax, the right hon gentleman seems to have a very elementary idea of what the Irish income tax is to be. No such question as the payments of dividends in this country can arise, for the Irish income tax will be just as distinct from the income tax of England and Scotland as if it were a French income tax (Opposition cheers) or an Indian income tax (Ministerial cheers). They certainly have the blessing of an income tax in India, but its incidence and the liability to pay it are totally distinct from the same things in this country. My right hon friend finally says that he was much struck with the case of the United States. Yes, the Northern States insisted upon the maintenance of the Union, and they carried their point; but having carried their point what did they do? (Ministerial cheers). Why, having the Southern States at their feet, and being in the position of a conqueror, and entitled to treat the Southern States as conquered States, they immediately invested every one of them with autonomy (loud Ministerial and Irish cheers), a measure of justice and wisdom which we are now making for Ireland (Opposition laughter and loud and continued Ministerial cheers). I say a measure of autonomy for Ireland (Irish cheers). Well, sir, I may say a few words more. My right hon friend the noble lord the member for Rossendale stated that the enactment we are now asked to pass will create further demands (hear, hear). Now, the right hon gentleman who has just sat down has been exceedingly courteous in this matter, and he has promised Ireland—I hope I am not misrepresenting him—nothing but a reasonable allowance of repressive criminal legislation (ironical cheers from the Home Rulers). He has not offered her even the phantom of local self-government. He has said nothing about education and public works. These things find no place in the speech of the right hon gentleman, but they find a place in the speech of my noble friend the member for Rossendale. Well, sir, we are going to give the Irish people, if we are permitted, that which we believe to be in substantial accordance with their full possible and reasonable demands (Home Rule cheers). In our opinion that is the way to stop further demands (renewed cheers). I will quote the authority of Mr. Burke, and I hope we shall hear much of Mr. Burke in the course of these discussions, for the

writings of Mr. Burke on Ireland, and still more if possible on America, are a mine of gold, and the civil wisdom with which they are charged is applicable to the circumstances, and they are the deepest and most valuable lessons to guide the policy of the country. What says Mr. Burke about large concessions? He was speaking of conciliation to America, and those to whom he was preaching met him with the idle observation that his conciliation would lead to further demands. Mr. Burke says—

Concessions were granted when blood had been shed, when hundreds of millions had been added to the national debt. They were granted when the sacrifices of England were felt throughout the length and breadth of the land, while they left behind them in America an inheritance not of good feeling such as now prevails, but rancour and re-entiments which it took generations to efface (hear, hear). It is no question of concession in my opinion, but it is a question I care more for than anything else, that of the character, honour, and fair fame of my country (loud and prolonged cheers). For humanity, for justice, for the desire to make atonement if we can for a long—too long—series of former and not wholly forgotten wrongs.

It was in this spirit that Mr Burke counselled a policy of conciliation with America (hear, hear). What are the proposals of my right hon friend? First, a little dose of coercion in some shape or other, and next a grudging gift to Ireland of such self-government as England and Scotland may be pleased to ask for themselves. Now, I deny the justice of the principle that self-government in Ireland is necessarily to be limited by the wishes of England and Scotland. You must show that what Ireland wants is mischievous; and unless you show that you have no right, in justice, to propose such a limitation (loud Home Rule cheers). I am not speaking of justice, but the favourite topic of further demands. Was there ever a device more certain to prolong all the troubles of Parliament? Was there ever a system of policy less hopeful of attaining to any strong or permanent standing ground than this proposal to dole out to Ireland from year to year with grudging and misgiving, and with the frank statement which is a very dangerous business, that what she does not ask, if she accepts it, she will accept only for the purpose of making further demands? The Irish members have expressly declared that they do not seek to press forward from this measure to some other. Does the noble lord not think that every gift he proposes to dole out in the shape of some municipal corporation or county board would be used for the purpose of making further claims? I admire the consistency and caution of the leader of the Opposition, because he told us at the beginning of the session when he was asked what boons he would give to Ireland in the way of local government—he said no enlargement of the powers of local government in Ireland should be given which could be used as a lever to weaken and destroy that legislative union which would enable the majority, or the social majority, to tyrannise over the minority (Opposition cheers). Does he not see that the granting of a small modicum of local government to Ireland is simply a device for perpetual disturbance by strengthening the leverage by which these demands would be urged until they reached their natural consummation? My noble friend said this was a question which had not been referred to the people or on which the people had not been adequately informed. If you do not want a mandate for measures of force and repression, much less do you want a mandate for measures to strengthen the law (cheers). My noble friend drew

attention to the case of the first Reform Act. But the elections of 1830 were conducted almost entirely without reference to reform. It was only towards the end of the elections that, events, in Paris having produced a sympathetic effect in this country, an initial cry was raised in a few elections for reform in this country; yet when that Parliament met and it was found that the wants of the country demanded reform, though that reform was denounced as revolution (hear, hear), the Government of the day entertained the project. It would be a very difficult thing indeed if my colleagues who have spoken in the debate or I myself had ignored the people in regard to this matter. I never uttered an opinion, nor shall ever utter an opinion, that this is a question unfit to come before the people. No man gives pledges, no man holds out expectations, upon a subject of this kind; but I think we who propose this bill should be the very last persons who should be jealous of a reference to the people (cheers). With regard to my right hon friend the member for Birmingham, I at once accord to him what, in truth, he does not want from me, a perfect and entire good faith in the attempt at explanation as to the form of some misunderstanding which arose between us. If anything further is required on that point it certainly will keep until Friday. My right hon friend stated four grounds, on one or other of which he found ample justification for the step he felt it his duty to take. I will do him the justice to say he at any rate had no confidence in coercive legislation. He knows how little courage there is in appealing to Parliament on this account; but he declared his opinion that we ought to have a measure proceeding from an inquiry by a commission of all parties. I will not criticise that beyond saying that no solution for the difficulties in Ireland will ever come from that source, nor can there be any federation unless there be somebody to federate—there can be no federation except you have a legislative body entitled to act for the people (hear, hear). But going back to my right hon friend the member for Edinburgh, and the mutual relations of harmony and concord between the plans of those who are to settle minor differences and unite together for the better solution of the Irish difficulty

(laughter), the Chancellor of the Exchequer showed in his masterly statement the total want of a common feature among the plans of those whose common basis of unity is hostility to this bill (hear, hear). When I speak of this plan I speak of it as a plan in its essence and not in its detail. It may derive much advantage from the wisdom of Parliament, but speaking of it as a plan I say that it holds the field (cheers) against any enemies. It has a single moral—no one has been bold enough to propose an intelligible system of what I call effectual coercion—the only coercion which could be adequate to the end you have in view. And as the plan holds the field so the subject holds the field. Never have I witnessed such signs of public absorption in this house and out of this house with respect to any other subject. It is safe to prophesy that this subject will continue to hold the field. Many members who desire important reforms think, and I am one of them, that legislation is in arrears. But you may dismiss all other subjects until this matter is disposed of. I am not speaking of what gentlemen opposite may threaten or say—I am looking at the nature of things and at the interests of Ireland and of Scotland. Until this problem is solved it is idle to think of making real progress in this country with regard to great subjects of legislation which are ripe for the handling of Parliament. We have come to the time for decisive action, and for throwing aside not only private interests and private affections, but private devices, for, looking at the subject as a whole, and asking ourselves the question whether we will make one bold attempt to free Parliament from its great and necessary work to establish harmony by Irish laws for Ireland, or whether we will continue to struggle on as we have done before, living from hand to mouth, leaving England and Scotland to a famine of needful and useful legislation, and Ireland to a continuance of social disorder, the depth of which we have never understood, which you do not know how to deal with, and angry discord which you make no attempt to cure.

The right hon gentleman resumed his seat amidst loud cheers from the Irish members and from the Ministerialists, after having spoken exactly an hour.

THE HOME RULE BILL.

TEXT OF THE MEASURE.

A BILL TO AMEND THE PROVISION FOR THE FUTURE GOVERNMENT OF IRELAND.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows :—

LEGISLATIVE AUTHORITY.

I. On and after the appointed day there shall be established in Ireland a Legislature, consisting of her Majesty the Queen and an Irish Legislative Body.

II. With the exceptions and subject to the restrictions in this act mentioned, it shall be lawful for her Majesty the Queen, and with the advice of the Irish Legislative Body, to make laws for the peace, order, and good government of Ireland, and by any such law to alter and repeal any law in Ireland.

III. The Legislature of Ireland should not make laws relating to the following matters, or any of them :—

- (1.) The status or dignity of the Crown, or the succession to the Crown, or a Regency.
- (2.) The making of peace or war.
- (3.) The army, navy, militia, volunteers, or other military or naval forces, for the defence of the realm.
- (4.) Treaties and other relations with foreign States or the relations between the various parts of her Majesty's dominions.
- (5.) Dignities or titles of honour.
- (6.) Prize or booty of war.
- (7.) Offences against the law of nations, or offences committed in violation of any treaty made, or hereafter to be made, between her Majesty and any foreign State; or offences committed on the high seas.
- (8.) Treason, alienage, or naturalisation.
- (9.) Trade, navigation, or quarantine.
- (10.) The Postal and Telegraph service, except as hereafter in this act mentioned with respect to the transmission of letters and telegrams in Ireland.
- (11.) Beacons, light-houses, or sea marks.
- (12.) The coinage, the value of foreign money; or legal tender, or weights and measures; or
- (13.) Copyright, patent rights, or other exclusive rights, to the use or profits of any works or inventions. Any law made in contravention of this section shall be void.

IV. The Irish Legislature shall not make any law—

- (1.) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof; or
- (2.) Imposing any disability or conferring any privilege on account of religious belief; or

(3.) Abrogating or derogating from the right to establish or maintain any place of denominational education, or any denominational institution or charity, or

(4.) Prejudicially affecting the right of any child to attend a school receiving public money without attending the religious instruction at that school; or

(5.) Impairing without either the leave of her Majesty in Council first obtained, on an address presented by the Legislative Body of Ireland, or the consent of the Corporation interested, the rights, property, or privileges of any existing Corporation incorporated by Royal charter or local and general Act of Parliament; or

(6.) Imposing or relating to duties of Customs and duties of Excise as defined by this act, or either of such duties, or affecting any act relating to such duties or either of them; or

(7.) Affecting this act, except in so far as it is declared to be alterable by the Irish Legislature.

V. Her Majesty the Queen shall have the same prerogative with respect to summoning, proroguing, and dissolving the Irish Legislative Body as her Majesty has with respect to summoning, proroguing, and dissolving the Imperial Parliament.

VI. The Irish Legislative Body, whenever summoned, may have continuance for five years, and no longer; to be reckoned from the day on which any such Legislative Body is appointed to meet.

EXECUTIVE AUTHORITY.

VII. (1.) The Executive Government of Ireland shall continue vested in her Majesty, and shall be carried on by the Lord Lieutenant on behalf of her Majesty, with the aid of such officers and such councils as to her Majesty may from time to time seem fit.

(2.) Subject to any instructions which may from time to time be given by her Majesty, the Lord Lieutenant shall give or withhold the assent of her Majesty to bills passed by the Irish Legislative Body, and shall exercise the prerogative of her Majesty in respect of the summoning, proroguing, and dissolving of the Irish Legislative Body, and any prerogative the exercise of which may be delegated to him by her Majesty.

VIII. Her Majesty may, by order in Council from time to time place under the control of the Irish Government, for the purposes of that Government, any such lands and buildings in Ireland as may be vested in or held in trust for her Majesty.

CONSTITUTION OF THE LEGISLATIVE BODY.

IX. (1.) The Irish Legislative Body shall consist of a first and second order.

(2.) The two orders shall deliberate together, and shall vote together, except that if any question arises in relation to legislation, or to the standing orders or rules of procedure, or to any other matter in that behalf in this act specified, and such question is to be decided by vote, each order shall, if a majority of the members present of either order demand a separate vote, give their votes in like manner as if they were separate Legislative Bodies, and if the result of the voting of the two orders does not agree the question shall be resolved in the negative.

X.—The first order of the Irish Legislative Body shall consist of one hundred and three members, of whom seventy-five shall be elective members and twenty-eight peerage members.

(1.) Each elective member shall at the date of his election, and during his period of membership, be *bona fide* possessed of property, which (a) if real, or partly real and partly personal, yields two hundred pounds a year or upwards, free of all charges; or (b) if personal, yields the same income, or is of the capital value of four thousand pounds or upwards, free of all charges.

(2.) For purpose of electing the elective members of the first order of the Legislative Body, Ireland shall be divided into the electoral districts specified in the first schedule to this act, and each such district shall return the number of members in that behalf specified in that schedule.

(3.) The elective members shall be elected by the registered electors of each electoral district, and for that purpose a register of electors shall be made annually.

(4.) An elector in each electoral district shall be qualified as follows—That is to say, he shall be of full age, and not subject to any legal incapacity, and shall have been during the twelve months next preceding the 20th day of July in any year, the owner or occupier of some land or tenement within the district of a net annual value of £25 or upwards.

(5.) The term of office of an elective member shall be ten years.

(6.) In every fifth year 37 or 38 of the elective members, as the case requires, shall retire from office, and their places shall be filled by election. The members to retire shall be those who have been members for the longest time without re-election.

(7.) The offices of the peerage members shall be filled as follows, that is to say—

(a) Each of the Irish peers who on the appointed day is one of the 28 Irish representative peers, shall, on giving his written assent to the Lord Lieutenant, become a peerage member of the first order of the Irish Legislative Body; and, if at any time within 30 years after the appointed day, any such peer vacates his office by death or resignation, the vacancy shall be filled by the election to that office by the Irish peers of one of their number in the manner heretofore in use respecting the election of Irish representative peers, subject to adaptation, as provided by this act; and if the vacancy is not so filled within the proper time it shall be filled by the election of an elective member, (b) If any of the 28 peers afore-

said does not within one month after the appointed day give such assent to be a peerage member of the first order the vacancy so created shall be filled up as if he had assented and vacated his office by resignation.

(8.) A peerage member shall be entitled to hold office during his life, or until the expiration of thirty years from the appointed day, whichever period is the shortest. At the expiration of such thirty years the offices of all the peerage members shall be vacated as if they were dead, and their places shall be filled by elective members, qualified and elected in manner provided by this act with respect to elective members of the first order, and such elective members may be distributed by the Irish Legislature among the electoral districts, so, however, that care should be taken to give additional members to the most populous places.

(9.) The offices of members of the first order shall not be vacated by the dissolution of the Legislative Body.

(10.) The provisions in the second schedule to this act relating to members of the first order of the Legislative Body shall be of the same force as if they were enacted in the body of this act.

XI. (1.) Subject, as in this section hereafter mentioned, the second order of the Legislative Body shall consist of 204 members.

(2.) The members of the second order shall be chosen by the existing constituencies of Ireland, two by each constituency, with the exception of the city of Cork, which shall be divided into two divisions in manner set forth in the third schedule to this act, and two members shall be chosen by each of such divisions.

(3.) Any person who, on the appointed day, is a member representing an existing Irish constituency in the House of Commons shall, on giving his written assent to the Lord Lieutenant, become a member of the second order of the Irish Legislative Body as if he had been elected by the constituency which he was representing in the House of Commons. Each of the members of the city of Cork on the said day may elect for which of the divisions of that city he wishes to be deemed to have been elected.

(4.) If any member does not give such written assent within one month after the appointed day his place shall be filled by election in the same manner and at the same time as if he had assented and vacated his office by death.

(5.) If the same person is elected to both orders he shall, within seven days after the meeting of the Legislative Body, or if the body is sitting at the time of the election, within seven days after the election declare in which order he will serve, and his membership of the other order shall be void, and be filled by a fresh election.

(6.) Notwithstanding anything in this act, it shall be lawful for the Legislature of Ireland at any time to pass an act enabling the Royal University of Ireland to return not more than two members to the second order of the Irish Legislative Body, in addition to the number of members above mentioned.

Notwithstanding anything in this act, it shall be lawful for the Irish Legislature, after the first dissolution of the Legislative Body which occurs to alter the constitution or election of the

second order of that body, due regard being had in the distribution of members to the population of the constituencies, provided that no alteration shall be made in the number of such order.

FINANCE.

- XII. (1.) For the purpose of providing for the public service of Ireland, the Irish Legislature may impose taxes other than duties of Customs or Excise, as defined by this act, which duties shall continue to be imposed and levied, and under the direction of the Imperial Parliament only.
- (2.) On and after the appointed day there shall be an Irish Consolidated Fund separate from the Consolidated Fund of the United Kingdom.
- (3.) All taxes imposed by the Legislature of Ireland and all other public revenues under the control of the Government of Ireland shall, subject to any provisions touching the disposal thereof contained in any act passed in the present session respecting the sale and purchase of land in Ireland, be paid into the Irish Consolidated Fund, and be appropriated to the public service of Ireland according to law.
- XIII. (1.) Subject to the provisions for the reduction or cesser thereof in this section mentioned, there shall be made on the part of Ireland to the Consolidated Fund of the United Kingdom the following annual contributions in every financial year, that is to say—(a) The sum of one million four hundred and sixty-six thousand pounds on account of the interest on and management of the Irish share of the National Debt. (b) The sum of one million six hundred and sixty-six thousand pounds on account of the expenditure on the army and navy of the United Kingdom. (c) The sum of one hundred and ten thousand pounds on account of the Imperial civil expenditure of the United Kingdom. (d) The sum of one million pounds on account of the Royal Irish Constabulary and the Dublin Metropolitan Police.
- (2.) During the period of thirty years from this section taking effect, the said annual contributions shall not be increased, but may be reduced, or cease as hereinafter mentioned. After the expiration of the said thirty years the said contributions shall, save as otherwise provided by this section, continue unaltered in manner provided by this section with respect to the alteration of this act.
- (3.) The Irish share of the National Debt shall be reckoned at forty-eight million pounds bank annuities, and there shall be paid in every financial year on behalf of Ireland to the Commissioners for the Reduction of the National Debt an annual sum of three hundred and sixty thousand pounds; and the permanent annual charge for the National Debt on the Consolidated Fund of the United Kingdom shall be reduced by that amount, and the said annual sum shall be applied by the said Commissioners as a sinking fund for the redemption of the National Debt; and the Irish share of the National Debt shall be reduced by the amount of the National Debt so redeemed; and the said annual contribution on account of the interest on and management of the Irish share of the National Debt shall from time to time be reduced by a sum equal to the interest upon the amount of the National Debt from time to time so redeemed, but that last-mentioned sum shall be paid annually to the Commissioners for the Reduction of the National Debt in addition to the above-mentioned annual sinking fund, and shall be so paid and be applied as if it were part of that sinking fund.
- (4.) As soon as an amount of the National Debt equal to the said Irish share thereof has been redeemed under the provisions of this section, the said annual contribution on account of the interest on and management of the Irish share of the National Debt, and the said annual sum for a sinking fund, shall cease.
- (5.) If it appears to her Majesty that the expenditure in respect of the army and navy of the United Kingdom, or in respect of Imperial civil expenditure of the United Kingdom for any financial year has been less than fifteen times the amount of the contribution above named on account of the same matter, a sum equal to one-fifteenth part of the diminution shall be deducted from the current annual contribution for the same matter.
- (6.) The sum paid from time to time by the Commissioners of her Majesty's Woods and Forests and Land Revenues to the Consolidated Fund of the United Kingdom on account of the hereditary revenues of the Crown in Ireland, shall be credited to the Irish Government, and go in reduction of the said annual contribution payable on account of the Imperial civil expenditure of the United Kingdom, but shall not be taken into account in calculating whether such diminution as above-mentioned has or has not taken place in such expenditure.
- (7.) If it appears to her Majesty that the expenditure in respect of the Royal Irish Constabulary and the Dublin Metropolitan Police for any financial year has been less than the contribution above-named, on account of such Constabulary and Police, the current contribution shall be diminished by the amount of such difference.
- (8.) This section shall take effect from and after the 31st day of March, 1887.
- XIV. (1.) On and after such day as the Treasury may direct all moneys from time to time collected in Ireland on account of the duties of Customs or the duties of Excise, as defined by this act, shall under such regulations as the Treasury from time to time make, be carried to a separate account (in this act referred to as the Customs and Excise account), and applied in the payment of the following sums in priority, as mentioned in this section, that is to say—First, of such sum as is from time to time directed by the Treasury in respect of the costs, charges, and expenses of and incident to the collection and management of the said duties in Ireland, not exceeding four per cent of the amount collected there. Secondly, of the annual contributions required by this act to be made to the Consolidated Fund of the United Kingdom. Thirdly, of the annual sums required by this act to be paid to the Commissioners for the Reduction of the National Debt. Fourthly, of all sums by this act declared to be payable out of the moneys carried to the Customs and Excise account. Fifthly, of all sums due to the Consolidated Fund of the United Kingdom for interest or

Sinking Fund in respect to any loans made by the issue of bank annuities or otherwise to the Government of Ireland under any act passed in the present session relating to the purchase and sale of land in Ireland, so far as such sums are not defrayed out of the moneys received under such act.

(2.) So much of the moneys carried to a separate account under this section as the Treasury consider are not, and are not likely to be, required to meet the above-mentioned payments, shall from time to time be paid over and applied as part of the public revenues under the control of the Irish Government.

XV. (1.) There shall be charged on the Irish Consolidated Fund in priority, as mentioned in this section—First, such portion of the sums directed by this act to be paid out of the moneys carried to the Customs and Excise account in priority to any payment for the public revenues of Ireland as those moneys are insufficient to pay. Secondly, all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund. Thirdly, all sums which at the passing of this act are charged on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant. Fourthly, the salaries of all Judges of the Supreme Court of Judicature, or other superior court in Ireland, or of any county or other like court, who are appointed after the passing of this act, and the pensions of such judges. Fifthly, any other sums charged by this act on the Irish Consolidated Fund.

(2.) It shall be the duty of the Legislature of Ireland to impose all such taxes, duties, or imposts as will raise a sufficient revenue to meet all sums charged for the time being on the Irish Consolidated Fund.

XVI. Until all charges which are payable out of the Church property in Ireland and are guaranteed by the Treasury have been fully paid, the Irish Land Commission shall continue as heretofore to exist, with such commissioners and officers receiving such salaries as the Treasury may from time to time appoint, and to administer the Church property and apply the income and other moneys receivable therefrom; and so much of the salaries of such commissioners and officers, and expenses of the office as is not paid out of the Church property shall be paid out of moneys carried to the Customs and Excise account under this act; and if those moneys are insufficient, out of the Consolidated Fund of Ireland; and if not so paid shall be paid out of moneys provided by Parliament as follows:—

(a) All charges on the Church property, for which a guarantee has been given by the Treasury before the passing of this act, shall, so far as they are not paid out of such property, be paid out of the moneys carried to the Customs and Excise account under this act; and if such moneys are insufficient, out of the Consolidated Fund of Ireland, without prejudice, nevertheless, to the guarantee of the Treasury.

(b) All charges on the Church property, for which no guarantee has been given by the Treasury before the passing of this act, shall be charged on the Consolidated Fund of Ireland, but shall not be guaranteed by the

Treasury, nor charged good on the Consolidated Fund of the United Kingdom.

(2.) Subject to any existing charges on the Church property, such property shall belong to the Irish Government, and any portion of the annual revenue thereof which the Treasury, on the application of the Irish Government, certify at the end of any financial year not to be required for meeting charges shall be paid over and applied as part of the public revenues under the control of the Irish Government.

(3.) As soon as all charges on the property guaranteed by the Treasury have been paid, such property may be managed and administered, and subject to existing charges thereon disposed of, and the income of proceeds thereof applied in such manner as the Irish Legislature may from time to time direct.

(4.) "Church Property" in this section means all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Act Amendment Act, 1881.

XVII. (1.) All sums due for principal or interest to the Public Works Loan Commissioners or to the Commissioners of Public Works in Ireland in respect of existing loans advanced on any security in Ireland shall, on and after the appointed day, be due to the Government of Ireland instead of the said Commissioners; and such body of persons as the Government of Ireland may appoint for the purpose shall have all the powers of the said Commissioners, or their secretaries, for enforcing payment of such sums, and all securities for such sums, given to such Commissioners or their secretary, shall have effect as if the said body were therein substituted for those Commissioners or their secretary.

(2.) For the repayment of the said loans to the Consolidated Fund of the United Kingdom, the Irish Government should pay annually into that fund by half-yearly payments on the first day of January and the first day of July, or on such other days as may be agreed on, such instalments of the principal of the said loans as will discharge all the loans within thirty years from the appointed day, and shall also pay interest half-yearly on so much of the said principal as from time to time remains unpaid at the rate of three per cent per annum; and such instalments of principal and interest shall be paid out of the moneys carried to the Customs and Excise accounts under this act; and if those are insufficient out of the Consolidated Fund of Ireland.

XVIII. If her Majesty declares that a state of war exists, and is pleased to signify such declaration to the Irish Legislative Body by speech or message, it shall be lawful for the Irish Legislature to appropriate a further sum out of the Consolidated Fund of Ireland in aid of the army or navy, or other measures which her Majesty may take for the prosecution of the war and defence of the realm, and to provide and raise money for such purpose; and all moneys so provided and raised, whether by loan, taxation, or otherwise, shall be paid into the Consolidated Fund of the United Kingdom.

XIX. (1.) It shall not be lawful for the Irish Legislative Body to adopt or pass any vote, resolution, address, or bill for the raising or appropriating for any purpose of any part of

the public revenue of Ireland, or of any tax, duty, or impost, except in pursuance of a recommendation from her Majesty, signified through the Lord Lieutenant in the Session in which such vote, resolution, address, or bill is proposed.

- (2.) Notwithstanding that the Irish Legislature is prohibited by this act from making laws relating to certain subjects, that Legislature may, with the assent of her Majesty in Council first obtained, appropriate any part of the Irish public revenue or any tax, duty, or impost imposed by such Legislature for the purpose of or in conjunction with such subjects.

XX (1) On and after the appointed day, the Exchequer Division of the High Court of Justice shall continue to be a Court of Exchequer for Revenue purposes under this act; and whenever any vacancy occurs in the office of any Judge of such Exchequer Division his successor shall be appointed by her Majesty, on the joint recommendation of the Lord Lieutenant of Ireland and the Lord High Chancellor of Great Britain.

- (2.) The Judges of such Exchequer Division appointed after the passing of this act shall be removable only by her Majesty on address from the two Houses of the Imperial Parliament, and shall receive the same salaries and pensions as those payable at the passing of this act to the existing Judges of division, unless, with the assent of her Majesty in Council first obtained, the Irish Legislature alter such salaries or pensions; and such salaries and pensions shall be paid out of the moneys carried to the Customs and Excise account, in pursuance of this act; and if the same are insufficient shall be paid out of the Consolidated Fund of the United Kingdom.

- (3.) An alteration of any rules relating to the procedure in such legal proceedings as are mentioned in this section shall not be made except with the approval of the Lord High Chancellor of Great Britain, and the sittings of the Exchequer Division and the Judges thereof shall be regulated with the like approval.

- (4.) All legal proceedings instituted in Ireland by or against the Commissioners or any officers of Customs or Excise or the Treasury shall, if so required by any party to such proceedings, be heard and determined before the Judges of such Exchequer Division or some or one of them; and any appeal from the decision in any such legal proceeding, if by a Judge, shall lie to the said Division, and if by the Exchequer Division, shall lie to the House of Lords, and not to any other tribunal; and if it is made to appear to such Judges, or any of them, that any decree or judgment in any such proceeding as aforesaid has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such Judges or Judge shall appoint some officer to enforce such judgment or decree; and it shall be the duty of such officer to take proper steps to enforce the same, and for that purpose such officer and all such persons employed by him shall be entitled to the same immunities, powers, and privileges as are by law conferred on a sheriff and his officers.

- (5.) All sums recovered in respect of duties of Customs and Excise, or under any act relat-

ing thereto, or by any officer of Customs or Excise shall, notwithstanding anything in any other act, be paid to the Treasury and carried to Customs and Excise account under this act.

POLICE.

XXI. The following regulations shall be made with respect to the police in Ireland:—

- (a) The Dublin Metropolitan Police shall continue and be subject, as heretofore, to the control of the Lord Lieutenant, as representing her Majesty for a period of two years from the passing of this act, and thereafter until any alteration is made by act of the Legislature of Ireland; but such act shall provide for the proper saving of all then existing interests, whether as regards pay, pensions, superannuation allowances, or otherwise.

- (b) The Royal Irish Constabulary shall, while that force subsists, continue and be subject, as heretofore, to the control of the Lord Lieutenant as representative of her Majesty.

- (c) The Irish Legislature may provide for the establishment and maintenance of a police force in counties and boroughs in Ireland under the control of local authorities; and arrangements may be made between the Treasury and the Irish Government for the establishment and maintenance of police reserves.

SUPPLEMENTAL PROVISIONS.

POWERS OF HER MAJESTY.

XXII. On and after the appointed day there shall be reserved to her Majesty the power of erecting forts, magazines, arsenals, dockyards, and other buildings for military or naval purposes, the power of taking waste land, and, on making due compensation, any other land for the purpose of erecting such forts, magazines, and for any other military or naval purpose for the defence of the realm.

XXIII. If a bill, or any provision of a bill, is lost by disagreement between the two orders of the Legislative Body, and after a period ending with a dissolution of the Legislative Body, or the period of three years, whichever period is longest, such bill, or a bill containing the said provision, is again considered by the Legislative Body, and such bill or provision is adopted by the second order and negatived by the first order, the same shall be submitted to the whole Legislative Body, both orders of which shall vote together on the bill or provision, and the same shall be adopted or rejected according to the decision of the majority of the members so voting together.

XXIV. On and after the appointed day Ireland shall cease, except in the event hereafter in this act mentioned, to return representative peers to the House of Lords, or members to the House of Commons; and the persons who, on the said day, are such representative peers and members, shall cease as such to be members of the House of Lords and House of Commons respectively.

DECISION OF CONSTITUTIONAL QUESTIONS.

XXV. Questions arising as to the powers conferred on the Legislature of Ireland, under this act, shall be determined as follows—(a) If any such question arises on any bill passed by the Legislative Body, the Lord Lieutenant may refer such question to her Majesty in Council. (b) If in the course of any action or other legal proceeding such question arises on any act of the Irish Legislature, any party to such action or other legal proceeding

may, subject to the rules in this section mentioned, appeal from a decision on such question to her Majesty in Council. (c) If any such question arises otherwise than as aforesaid on any act of the Irish Legislature, the Lord Lieutenant or one of her Majesty's principal Secretaries of State may refer such question to her Majesty in Council. (d) Any question referred or appeal brought under this section to her Majesty in Council shall be referred for the consideration of the Judicial Committee of the Privy Council. (e) The decision of her Majesty in Council on any question referred or appeal brought under this section shall be final; and a bill which may be so decided to be or contain a provision in excess of the powers of the Irish Legislature shall not be assented to by the Lord Lieutenant, and a provision of any act which is so decided to be in excess of the powers of the Irish Legislature shall be void. (f) There shall be added to the Judicial Committee when sitting for the purpose of considering questions under this section such members of her Majesty's Privy Council being or having been Irish Judges as to her Majesty may seem meet. (g) Her Majesty may by Order in Council from time to time make rules as to the cases, and mode in which, and the conditions under which, in pursuance of this section, questions may be referred and appeals brought to her Majesty in Council, and as to the consideration thereof by the Judicial Committee of the Privy Council; and any rules so made shall be of the same force as if they were enacted in this act. (h) An appeal shall not be to the House of Lords in respect of any question in respect of which an appeal can be had to her Majesty in Council in pursuance of this section.

THE LORD LIEUTENANT.

XXVI. (1.) Notwithstanding anything to the contrary contained in any Act of Parliament, every subject of her Majesty shall be eligible to hold and enjoy the office of Lord Lieutenant of Ireland without reference to his religious belief.

(2.) The salary of the Lord Lieutenant shall continue to be charged on the Consolidated Fund of the United Kingdom, and the expenses of his household and establishment shall continue to be defrayed out of moneys to be provided by Parliament.

(3.) All existing powers vested by Act of Parliament or otherwise in the Chief Secretary for Ireland may, if no such officer is appointed, be exercised by the Lord Lieutenant until other provision is made by an act of the Irish Legislature.

(4.) The Legislature of Ireland shall not pass any act relating to the office or functions of the Lord Lieutenant of Ireland.

JUDGES AND CIVIL SERVANTS.

XXVII. A judge of the Supreme Court of Judicature or other superior court of Ireland, or of any county court, or other court with a like jurisdiction in Ireland, appointed after the passing of this act, shall not be removed from his office except in pursuance of an address to her Majesty from both orders of the Legislative Body voting separately, nor shall his salary be diminished or right to pension altered during his continuance in office.

XXVIII (1.) All persons who at the passing of this act are Judges of the Supreme Court of Judicature or County Court Judges, or hold any other judicial position in Ireland, shall, if they are removable at present on address

to her Majesty of both Houses of Parliament, continue to be removable only upon such address from both Houses of the Imperial Parliament; and if removable in any other manner should continue to be removable in any other manner as heretofore; and such persons, and also all persons at the passing of this act in the permanent Civil Service of the Crown in Ireland whose salaries are charged on the Consolidated Fund of the United Kingdom, should continue to hold office and to be entitled to the same salaries, pensions, and superannuation allowances as heretofore, and to be liable to the same or analogous duties as heretofore; and the salaries of such persons shall be paid out of the moneys carried out of the Customs and Excise account under this act; or if these moneys are insufficient, out of the Irish Consolidated Fund; and if the same are not so paid shall continue charged on the Consolidated Fund of the United Kingdom.

(2.) If any of the said persons retire from office with the approbation of her Majesty before he has completed the period of service entitling him to a pension, it shall be lawful for her Majesty, if she thinks fit, to grant to that person such pension, not exceeding the pension to which he would have been entitled if he had completed the said period of service, as to her Majesty seems meet.

XXIX—(1.) All persons not above provided for, and at the passing of this act serving in Ireland in the permanent Civil Service of the Crown, shall continue to hold their office and receive the same salaries and to be entitled to the same gratuities and superannuation allowances as heretofore, and shall be liable to perform the same duties as heretofore, or duties of similar rank; but any of such persons shall be entitled at the expiration of two years after the passing of this act to retire from office, and at any time, if required by the Irish Government, shall retire from office, and on any such retirement shall be entitled to receive such payment as the Treasury may award to him, in accordance with the provisions contained in the 4th schedule to this act.

(2.) The amount of such payment shall be paid to him out of the moneys carried to the Customs and Excise account under this act; or, if those moneys are insufficient, out of the Irish Consolidated Fund, and, so far as the same are not so paid, shall be paid out of moneys provided by Parliament.

(3.) The Pensions Commutation Act (1871) shall apply to persons who, having retired from office, are entitled to any annual payment under this section in like manner as if they had retired in consequence of the abolition of their offices.

(4.) This section shall not apply to persons who are retained in the service of the Imperial Government.

XXX. Where before the passing of this act any pension or superannuation allowance has been granted to any person on account of service as a Judge of the Supreme Court of Judicature of Ireland, or of any consolidated into that court, or as a County Court Judge, or in any any other judicial position, or on account of service in the permanent Civil Service of the Crown in Ireland, otherwise than in some office, the holder of which is after the passing of this act retained in the

service of the Imperial Government, such pension or allowance, whether payable out of the Consolidated Fund or out of money provided by Parliament, shall continue to be paid to such person, and shall be so paid out of the moneys carried to the Customs and Excise account under this act; or, if such moneys are insufficient, out of the Irish Consolidated Fund; and so far as the same is not so paid shall be paid as heretofore out of the Consolidated Fund of the United Kingdom or moneys provided by Parliament.

XXXI. The provisions contained in the 5th Schedule to this act relating to the mode in which arrangements are to be made for setting in motion the Irish Legislative Body and Government and for the transfer to the Irish Government of the powers and duties to be transferred to them under this act, or for otherwise bringing this act into operation, shall be of the same effect as if they were enacted in the body of this act.

MISCELLANEOUS.

XXXII. Whenever an act of the Legislature of Ireland has provided for carrying on the postal and telegraphic service with respect to the transmission of letters and telegrams in Ireland and the Post Office and other savings banks in Ireland, for protecting the officers then in such service, and the existing depositors in such Post Office savings banks, the Treasury shall make arrangements for the transfer of the said service and banks in accordance with the said act, and shall give public notice of the transfer, and shall pay all depositors in such Post Office savings banks who request payment within six months after the date fixed for such transfer, and after the expiration of such six months the said depositors shall cease to have any claim against the Postmaster-General or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Consolidated Fund of Ireland, and the Treasury shall cause to be transferred in accordance with the said act securities representing the sums due to the said depositors in Post-office savings banks and the securities held for other savings banks.

XXXIII. Save as otherwise provided by the Irish Legislature, (a) the existing law relating to the Exchequer and the Consolidated Fund of the United Kingdom shall apply to the Irish Exchequer and Consolidated Fund, an officer shall from time to time be appointed by the Lord Lieutenant to fill the office of Comptroller-General of the receipts and issue of her Majesty's Exchequer and Auditor-General of public accounts so far as respects Ireland; and (b) accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in the manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of the holder of such office.

XXXIV. (1.) The privileges, immunities, and powers to be held, enjoyed, and exercised by the Irish Legislative Body and the members thereof shall be such as are from time to time defined by act of the Irish Legislature, but so that the same shall never exceed those at the passing of this act held, enjoyed, and exercised by the House of Commons and by the members thereof.

(2.) Subject as in this act mentioned, all existing laws and customs relating to the members of the House of Commons and their election, including the enactments respecting the questioning of elections, corrupt and illegal practices, and registration of electors, shall, so far as applicable, extend to elective

members, the first order, and to members of the second of the Irish Legislative Body, provided that—

(a) The law relating to the offices of profit enumerated in Schedule H to the Representation of the People Act, 1867, shall apply to such offices of profit in the Government of Ireland not exceeding ten, as the Legislature of Ireland may from time to time direct.

(b) After the first dissolution of the Legislative Body the Legislature of Ireland may, subject to the restriction in this act mentioned, alter the laws and customs in this section mentioned.

XXXV. (1.) The Lord Lieutenant of Ireland may make regulations for the following purposes:—

(a) The summoning of the Legislative Body and the election of a Speaker, and such adaptation to the proceedings of the Legislative Body of the procedure of the House of Commons as appears to him expedient for facilitating the conduct of business by that body on their first meeting.

(b) The adaptation of any law relating to the election of representative peers.

(c) The adaptation of any laws and customs relating to the House of Commons or the members of the second order of the Legislative Body; and

(d) The mode of signifying their assent or election under this act by representative peers or Irish members of the House of Commons as regards becoming members of the Irish Legislative Body in pursuance of this act.

(2.) Any regulations so made shall, in so far as they concern the procedure of the Legislative Body be subject to alteration by standing orders of that body, and so far as they concern other matters, be subject to alteration by the Legislature of Ireland, but shall, until alteration, have the same effect as if they were inserted in this act.

XXXVI. Save as in this act provided with respect to matters to be decided by her Majesty in Council nothing in this act shall affect the appellate jurisdiction of the House of Lords in respect of actions and suits in Ireland, or the jurisdiction of the House of Lords to determine the claims to Irish peerages.

XXXVII. Save as herein expressly provided, all matters in relation to which it is not competent for the Irish Legislative Body to make or repeal laws shall retain and be within the exclusive authority of the Imperial Parliament, save as aforesaid, whose power and authority in relation thereto shall in nowise be diminished or restrained by anything herein contained.

XXXVIII. (1.) Except as otherwise provided by this act, all existing laws in force in Ireland and all existing courts of civil and criminal jurisdiction, and all existing legal commissions, powers, and authorities, and all existing officers, judicial, administrative, and ministerial, and all existing taxes, licences, and other duties, fees, and other receipts in Ireland shall continue as if this act had not been passed, subject nevertheless to be repealed, abolished, or altered in the manner and to the extent provided by this act: provided that subject to the provisions of this act such taxes, duties, fees, and other receipts shall after the appointed day form part of the public revenues of Ireland.

(2.) The Commissioners of Inland Revenue, and the Commissioners of Customs, and the officers of such commissioners respectively shall have the same powers in relation to any articles subject to any duty of Excise or Customs manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyance used in connection therewith, or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, selling, or having the custody or possession of the same, as they would have had if this act had not been passed.

XXXIX. (1.) On and after the appointed day this act should not, except such provisions thereof as are declared to be alterable by the Legislature of Ireland, be altered except—
 (a) By act of the Imperial Parliament, and with the consent of the Irish Legislative Body testified by an address to her Majesty; or (b) by an act of the Imperial Parliament for the passing of which there should be summoned to the House of Lords the peerage members of the first order of the Irish Legislative Body, and if there are no such members, then 28 Irish representative peers elected by the Irish peers in manner heretofore in use, subject to adaptation, as provided by this act. And there shall be summoned to the House of Commons such one of the members of each constituency, or, in case of a constituency returning four members, such two of those members as the Legislative Body of Ireland may select, and such peers and members shall respectively be deemed for the purpose of passing any such act to be members of the said Houses of Parliament respectively.

(2.) For the purpose of this section it shall be lawful for her Majesty, by Order in Council, to make such provisions for summoning the said peers of Ireland to the House of Lords, and the said members from Ireland to the House of Commons, as to her Majesty may seem necessary or proper; and any provisions contained in such Order in Council shall have the same effect as if they had been enacted by Parliament.

XL. In this act, the expression "the appointed day" shall mean such day after the thirty-first day of March, in the year one thousand eight hundred and eighty-seven, as may be determined by order of her Majesty in Council. The expression "Lord Lieutenant" includes the Lords Justices or any other chief governor or governors of Ireland for the time being. The expression "Her Majesty the Queen" or "Her Majesty," or "the Queen" includes the heirs and successors of her Majesty the Queen. The expression "Treasury" means the Commissioners of her Majesty's Treasury. The expression "Treaty" includes any convention or arrangement. The expression "existing" means existing at the passing of this act. The expression "existing constituency" means any county or borough, or division of a county or borough, or a university returning at the passing of this act a member or members to serve in Parliament. The expression "duties of Excise" does not include a duty received in respect of any licence whether for the sale of intoxicating liquors or otherwise. The expression "financial year" means the twelve months ending on the 31st day of March.

XLI. This act may be cited for all purposes as the Irish Government Act, 1886.

S P E E C H

OF THE

RIGHT HON. W. E. GLADSTONE, M.P.,

INTRODUCING THE

L A N D P U R C H A S E B I L L .

In the House of Commons on Friday, April 16,

GOVERNING IRELAND IN IRISH MATTERS BY IRISH LAWS.

Mr. GLADSTONE, who was received with loud cheers from the Ministerial and Irish benches, said—Mr. Speaker, I have now to ask the house for permission to bring in a bill to make amended provision for the sale and purchase of land in Ireland, in so doing completing a speech in which I began on Thursday last, which, though inordinately long, remained unfinished. I use this language to describe, not any power that I know of binding upon the Legislature to treat these two questions as united questions—that must be for the decision of Parliament itself—but to describe their tenor in the minds of my colleagues. I stand in a

PECULIAR POSITION

in the face of several sections of the house and of the people with regard to this question. As regards the Irish tenants, the proposal I have to make is one which will undoubtedly confer upon them a great benefit. The people of Ireland, considered in the mass, will also be benefited, but the principal and most immediate object of the measure is to

BENEFIT THE LANDLORDS OF IRELAND,

and to ask the House of Commons to make a serious and considerable effort on behalf of the landlords of Ireland. Many, I know, are strongly opposed to the Government policy on this question, and many who are friendly to it still resolve and feel it to be their duty to give to the policy a jealous reception. I do not complain of this. In watching our policy with jealousy they are, in my opinion, only doing their duty to their constituents and to the people at large. They have learnt that an effort is to be made in which either the money or the credit of the British Exchequer is to be made available for the Irish landlords should they be disposed to accept the option offered to them. I do not draw any distinction between the money and the credit of the nation (hear hear)—the credit of the nation is just as precious as its money (hear, hear). But some discrimination should be used by the representatives of the people with regard to the use of the one and the expenditure of the other. I will explain the aspect in which we regard this great question. The end and aim of all our endeavours is not, in the first place and for its own sake, simply the contentment of the people in Ireland, but it is for the sake of securing

THE SOCIAL ORDER OF THE COUNTRY.

(Cheers). That is our first and most sacred and necessary aim, and the aim of every Government which knows its duty (cheers). Our object and aim are to bring about that social order by means which have not recently been employed, and which we hope will be something of a permanent remedy. In the first place, we shall request the house to make arrangements for

(Parnellite cheers.) In the second place, we will undertake to make, not a partial tentative, and timid, but a serious effort to settle the land question (cheers). Now, sir, these are questions which at the present moment ought not to be separated one from the other. Of course when I speak of questions I speak of a plan in general which the Government formed; and I do not include or attempt to press on the house every minute particular of the rather complex and comprehensive plan. Now, sir, I think the argument that I have to make divides itself into these three heads, and also the objections that I have to meet. It will be demanded of me, in the first place, why should the land question of Ireland be settled? Why cannot you leave it to be dealt with by the organ which we are asking Parliament to call into existence? That is the question. Supposing that I am able to prove that an affirmative answer should be given to that inquiry, and next not the least unfair question to be put by the representatives of the people, and which merits to be put to a certain extent in the tone and with the aspect of rejection, is—Why must Great Britain be cumbered with this question? Well, I hope to show that it is an obligation of honour and policy that Great Britain should so undertake it. But I ask no assent to that proposition at present. And then, thirdly, I shall justly be asked, and I shall not attempt to shirk the inquiry, are we to run pecuniary risks on the part of the English and Scotch people for the purpose of meeting this Irish want? I hope, as I have already said with regard to the two former inquiries which I confidently meet with an affirmative answer, to give this a not less strongly and clearly negative reply. But I admit without reservation that upon my proof or non-proof of what I am now asserting with regard to these three points all depends as regards the case that I ask to make and as regards the reception which the house, in my humble opinion, ought to give to that case. The first question then, sir, is

MUST THE LAND QUESTION BE DEALT WITH?

Sir, it is impossible for me, even if I draw on the indulgence of the house, to answer that question—it can be only answered fully by a careful study of the whole history of Ireland. I shall state the minimum of what appears to me to be necessary, and shall trust to the knowledge of the hon members to fill up what may be lacking in my statement. Even, sir, the little that I shall state will probably be treated, and may possibly appear, as an indictment against the Irish landlords. Now, sir, upon that subject I engage to say in a few words that it is an indictment against the Irish landlords, mainly in the past—against w, I hope, in the present. But, although those

upon whom censure ought to be pronounced may unhappily have been heirs to a sad inheritance, they have taken up and been compelled to take up

DISMAL AND DEPLORABLE TRADITIONS

(hear, hear), and when oppression has wrought itself from painful experience into the heart and mind of the people, it is not in the minute, not in a year, not in a generation, that the traces of that dreadful process can be effaced (hear, hear). Sir, I may perhaps refer to a case which is in point. In 1833 this house—to its great honour and to its lasting fame—passed an act for the emancipation of the negroes of the West Indies—it established a system which is known as apprenticeship, and which was intended to invest the negro population with all the rights of freedom, except the liability to render a certain carefully limited amount of labour for a carefully limited time. Well, sir, that law was generally peacefully obeyed. But a great philanthropist in this country, whose name should ever be held in honour, Mr. Joseph Sturge, made inquiries for himself in the West Indies, and by his own eyes and his own ears satisfied himself that in the case of certain estates there was a deliberate attempt being made to keep alive the spirit and institutions of slavery under the guise of apprenticeship. He brought back a statement of those cases to this country. It was not so much as asserted that this represented the general state of things in the West Indies or even in Jamaica, but such was the impression produced by those few cases of horrible abuse and contumacious resistance to the will of Parliament, as well as to the dictates of humanity, that after a struggle in this house it was felt that the apprenticeship must at once—against the Parliamentary covenant of 1833—must at once be put an end to, and accordingly it reached an immediate and an unexpected consummation. That I quote as an instance of the way in which the offence of a few may be visited upon many, I have the honour of knowing myself many Irish landlords who are an honour to the class to which they belong, and I hope what I have said will show that in quoting the mournful testimony of history I do not seek to make them personally responsible for difficulties, and for evils of which they are the victims rather than the cause. Sir, I must go back to

THE ORIGIN OF AGRARIAN CRIME,

which is the index of the difficulty with which I call upon the house to deal, and how agrarian crime had an origin in Ireland. Speaking generally of the Celtic population as they live in Ireland, I believe that a great and an almost inexhaustible patience has been one of their most prominent characteristics (hear, hear). It was not among the Celts of Ireland that agrarian crime began (hear, hear, from the Irish benches)—it was in a population—in the population of Tipperary—dashed with a stronger and more vivacious blood that the spirit of resistance arose; and I will take my description of the state of things at that crisis from a source which if suspected of prepossession at all, cannot be suspected of prepossessions either too favourable to myself personally, or to the policy which we recommend. I am going to quote from the historical work of Mr. Froude, known as

"THE ENGLISH IN IRELAND,"

and I think, when I refer to the mere name of that distinguished man, it shows that I am not seeking to avail myself unduly of the evidence of a witness who has prejudiced the case in my favour. On

that subject I may remind the house that it is the opinion of Mr. Froude that the right course for the Government to pursue in the last century—for the British Government to pursue—would have been to block the Irish Parliament—that is never to summon it—to appropriate what he terms the hereditary revenues, and to supply the annual deficit in the Irish Exchequer at the cost of the Treasury of England. Therefore you cannot say that the man who proposes the restriction of representative institutions in Ireland, and the substitution of what he meant to be a benevolent absolutism, is a man prepossessed in favour of the policy which we recommend. But Mr. Froude, though perhaps a man of prepossessions—on that I will give no opinion—is certainly a man of truth and honour, and who, if he sees what he believes to be an injustice, will not allow his heart and his conscience to tamper with the principles involved in exposing it. What says Mr. Froude as to the condition of the Irish peasantry before the outbreak of agrarian crime? In the second volume of that work, at the 20th page, he compares the condition of the Irish cultivator, such as it had then become, with what it had been under its native chiefs, and he says—

"To four-fifths of the Irish peasantry the change of masters meant only a grinding tyranny, and tyranny the more unendurable because inflicted by aliens in blood and creed. Under their old chiefs they had been miserable, but they were suffering at least at the hands of their natural sovereign—I believe that of his natural sovereign an Irishman is by nature inclined to think much—" and the clansman who bore his lord's tyranny if harshly used by his own master was protected by him against others, and could not feel himself utterly without a friend. But the oppression of the peasantry in the last century was not even the oppression of a living man; it was the oppression of a system. The peasant of Tipperary was in the grasp of a dead man. The will of a master whom he never saw was enforced against him by a law irresistible as destiny. The absentee landlords of Ireland had neither community of interest with the people nor sympathy of race. They had no fear of provoking resentment, for they lived beyond their reach. They had no desire for their welfare, for as individuals they were ignorant of their existence. They regarded their Irish estates as the source of their income. Their only desire was to extract the most out of them which the soil could be made to yield, and they cared no more for the souls and bodies of those who were in fact committed to their charge than the owners of West Indian plantations for the poor slaves whose backs were blistering in the cane fields."

Well, then, sir, that was the state of things that attended the origin of agrarian crime in the year 1764, and from that its continuance has been uninterrupted with a terrible facility from time to time of expansion to alarming dimensions—nay, more, with a facility and a power of turning itself into armed force. Sir, I will read a few more words from Mr. Froude on this portion of the subject. He shows with what fatal force there came upon Ireland at that period a combination of symptoms grouping together for the misery of the land. In the first place, owing to the increased demand from England for animal food, there was the conversion of the small holdings into

MERE GRAZING FARMS.

In the second place, owing to the same cause, there was the withdrawal of hill pastures from the tenants who had traditionally enjoyed them as accompaniments to their small arable holdings. There was the constant raising of rents, and there was the progressive and rapid increase of absenteeism. Mr. Froude says in a passage shorter than the one I have read, that many causes had combined at that moment to exasperate the normal irritation of the southern peasantry, and he presently goes on to show that the irritation

was not confined to the southern peasantry—that with the growth of what is called civilisation, absenteeism, the worst discord to the country, had increased. He says—

In Charles II's time the absentees were few or none; but the better Irishmen were educated, and the more they knew the rest of the world the less agreeable they found Ireland and Irish manners, while the more they separated themselves from their estates the more they increased their rents to support the cost of living elsewhere.

(Loud Irish and Ministerial cheers). Sir, that is the account given by Mr. Froude. I leave the house to appreciate its weight (Home Rule cheers). What else have we to take into account? (Hear, hear). The Irish Parliament, although at that time its independence had not been acknowledged, was alive and active, which was displayed in a number of controversies between England and Ireland. Ireland was displaying a real, if a narrow, patriotism. But, sir, I must distinguish broadly between the Irish Parliament, which I rejoice to commend where it can be done, between the Irish Parliament on questions of nationality and the Irish Parliament on questions of class (hear, hear). The Irish Parliament was hostile to absentees, for they were essentially anti-national. The Irish Parliament did not struggle to do justice to the tenant; it was a Parliament composed partly of pensioners, partly of policemen, and the rest of landlords (Home Rule cheers), and the action of that Parliament did nothing to mitigate this evil; and if it be true that there were coercion acts from year to year, that deplorable fact only strengthens the statement I have made, and shows how this sad and dreadful mischief—this agrarian crime—took root in the country (hear and cheers). Sir, in the variety of incidents of social life there are, unhappily, many marriages barren, and many families die out; but there is one marriage which is never without issue—where oppression on the one hand is married to misery on the other, then there spring from the union

A FATAL AND HIDEOUS PROGENY OF CRIME.

That progeny perpetuates itself and hands on a baneful miserable inheritance from generation to generation (hear, hear). That is the case with Irish absenteeism. That is the case with the rooted tendency to crime which sprang from crimes most disgraceful to those who were charged with the Government of Ireland and the care of its population—most disgraceful to them, most vexing, most embarrassing to us (hear). Another circumstance tending further to complicate the case has been added to those I have already enumerated—the struggle with the agrarian relations between landlord and tenant has been continued, and has been until very lately seriously aggravated. The difference of religion down to 1829 was the basis of an odious political system, and traces of it unfortunately survived that period. One point of union there was between the Irish landlord and tenant—that sentiment of nationality which the old Irish Parliament never lost, has, I am sorry to say, since the Union gradually ceased to operate, ceased to form a bond of connection between those classes, ceased to have a mitigating and beneficial influence on Irish affairs. After what I have said, after the fearful exasperations which have been introduced into these agrarian relations which are the determining element of society and life—after a long continuance of mischief, so that it had become chronic in their system and formed part of the habits of the people, we arrive at the conclusion that it would be ill intended, and an ill-shapen

kindness to any class in Ireland to hand over to the Irish Legislature as its first introduction to the work that it may have to perform the business of

DEALING WITH THE QUESTION OF LAND.

It would be like giving over to Ireland the worst of her feuds—to confront her with the necessity of efforts that possibly might be hopeless, that at any rate would be attended with most fearful risk (hear, hear). And now I come to the second question. I have told you how terrible the first is—the land in itself. Why is Great Britain to be cumbered with this subject? Are we bound to cumber ourselves with it? Is it an obligation of policy—is it a dictate of honour? I am satisfied that this house, however reluctant—and you cannot be more reluctant than we are—if it be an obligation of policy, if it be a dictate of honour, if it be both, or one or the other, will not shrink from any duty that these considerations may entail (hear, hear). Why, then, are we to cumber Great Britain?—that is the question before us—with the endeavour to settle it by our action, which is no slight matter? First, I will point out that our objections have been admitted—already admitted—in partial form, which I believe the house, certainly the party opposite, have shown a great disposition to enlarge nominally in what we call our existing Land Purchase Acts. I consider these acts to represent an extremely bad and dangerous form of dealing with this obligation, and I do it on this ground, that their basis is to place the British Treasury in contact with the individual occupier and farmer in Ireland. In our opinion, sir, that is

NOT A WISE POLICY.

(hear, hear). I don't entertain a mistrust of an Irishman's disposition to liquidate his pecuniary engagements. I believe he may very well, except under circumstances of peculiar exasperation—he may very well bear comparison with competitors in other countries in that matter; but it is a dangerous thing for a State, which the course of policy and the condition of legislation have led people to regard as essentially a foreign State, to make them in great numbers individually its debtors—dangerous because as tempting to them—dangerous because extremely unsafe for the State to be considered as a creditor. I will go on to another consideration, which is not one of honour but of prudence. As we have struggled to introduce into the Irish Government bill, what we called safeguards for minorities without, I must admit, obtaining the smallest mitigation from opponents of their opposition. Acting upon the same principle, and, if I may allow myself to use the hallowed words in no jesting spirit, “walking by faith and not by sight,” we desire, by exhibiting the utmost consideration for

THE IMPERILLED CLASSES,

or, at any rate, for the class impressed deeply with fear and apprehension—the Irish landlords, to do everything on their behalf which duty will allow us to do. If such proposals should produce a mitigating effect it might lead to an easier and a speedier concession to Ireland of what we know to be her demand, and which we believe to be her rights; and if not, still we have done our best, and we must leave the issue to a higher power. Now, sir, what are the substantial reasons—these are collateral considerations—what are the substantial reasons why we think it is the absolute duty of Great Britain to make herself a party in this matter to the extent at least of a just offer and a fair

opportunity being given to the Irish landlords? Well, sir, I sum up in one word—we cannot wash ourselves clean and clear of this responsibility—the deeds of the Irish landlords are to a great extent our deeds (hear)—we are participators in those deeds, we with power in our hands looked on. We not only looked on, but we encouraged and sustained them, if I may be permitted to say so to my fellow-representatives from Scotland. The case of Scotland is a hard one in this matter, for England had the blessing in the 18th century of a representative system which, if not perfect, yet we know from great occasions like that of 1783, and like that of 1831, did suffice to bring to the front a strong national sentiment. Scotland had no such system. Four thousand or five thousand had in their hands at that time the entire representation of the nation. The Scotch people, therefore, may thank God that as a nation they have no responsibility for

THE DREADFUL HISTORY

of the relations between Great Britain and Ireland. I must, however, speak now of the doings of the Imperial Parliament on which Scotland was not allowed to exercise any influence. I have said that the landlords were our garrison. Let me a little unfold that sentence. We planted them there, and we replanted them in 1641, in 1688, and again in 1798 we reconquered the country for them. I heard a gallant gentleman speaking a few nights ago in this house—he seemed to be under the pious belief that the rebellions in Ireland were put down by the superhuman exertions of a certain regiment, I do not now recollect the name (cheers).

Major SAUNDERSON here made an observation which reached the gallery imperfectly. He was understood to say that the Irish rebellions had been suppressed by the Irish Protestants.

Mr. GLADSTONE—I have not so read history. Take the rebellion of 1641. That rebellion was finally put down, and only put down, by Cromwell, and whatever else he was, Cromwell was not an Irish Protestant. The rebellion of 1688-9 was put down not by the Protestants of the North, but by the introduction mainly of foreign hosts.

THE REBELLION OF 1798.

to which, I think, the hon gentleman specially referred, was unquestionably put down, not by the action of what is termed the loyal minority—which, I do not say from its own fault, had not at that period earned that name—but when the Irish Government in Dublin was in despair it was put down by them at last by inducing the British Government in London to send a large and adequate force of British troops—I think 10,000 men—

Major SAUNDERSON—The Yeomanry (Conservative cheers, and laughter from the Irish benches).

Mr. GLADSTONE—The Yeomanry could not do it (cheers). Well, we have more responsibility than that. We used the whole civil government of Ireland as an engine of wholesale corruption, and we extended that corruption to what should have been a sacred thing—that is, to the Church, which we maintained and supported in the land (cheers). We did nothing then to appease, but everything to irritate and exasperate the Irish people by the whole of that policy. Then, again, in 1795, the brightest period in the history of the Irish Parliament, when Lord Fitzwilliam was the Lord Lieutenant, when through its sentiment of nationality it was about to offer to Ireland what would give to it the seed of every promise, happiness, and

prosperity—first the Irish Parliament proposed THE EMANCIPATION OF THE ROMAN CATHOLICS, thus leading, as it would have done by itself, after a long night of darkness, to Parliamentary reform and the admission of the people to political privileges—we took Lord Fitzwilliam away. The Irish Parliament struggled against it, but England would not let them. But, then, sir, we got the Union. I have avoided that subject. I don't want to enter upon the details of it. They are dreadful. Read the language of Lord Cornwallis and you will find in it the regrets of an honourable mind at the transactions in which, owing to a fatal necessity, he found himself engaged. I will say this, sir. We obtained

THE UNION

against the sense of every class of the people in Ireland by wholesale bribery and by unblushing intimidation. Then again, we came to the time when we are more directly responsible through the action of the British Parliament. We passed in the year 1816 a measure by which the whole of the conditions of the tenure of land were changed, although the older system protected the tenant by a clear fixity of tenure. The result of that change was to destroy the dream of the tribal conditions and usages by which the people held the land, for up to that time tribal usages had prevailed. In the English Parliament Mr. Leslie Foster, a first-rate authority, recommended the passage of the bill, and he did so because, according to himself, he said as the law at present stood the tenant was able to set the landlord at defiance (Irish cheers). All these protections were swept away. I do not enter upon the merits of that proceeding. All I now say is that we did not attempt to reconcile the Irish occupier to his lot or root out agrarian crime by that measure. Such was the measure that was passed in 1816. There are some very gloomy days to come. We come down to the year 1843, to the time of the Devon Commission report—a Conservative report issued under the auspices of a Conservative Ministry; and I may read one passage from that report, although I could read many. It states—

A reference to the evidence of most of the witnesses will show that the agricultural labourer of Ireland suffers the greatest privations and hardships, and that he continues to depend upon casual and precarious employment for existence. But he is still badly housed, badly fed, badly clothed, and badly paid for his labour. Our personal experience and observations during our inquiry have afforded a melancholy confirmation of this statement, and we cannot forbear expressing our strong sense of the patient endurance—

Now mind that? The Devon Commission is most of all struck by the patient endurance

with which the Irish tenant and the Irish occupier submit to his lot.

(Hear, hear.)

Here there was an interruption by Lord Randolph Churchill and Lord John Manners, who made some remarks regarding the labourers.

Mr. GLADSTONE—Yes. No doubt the great bulk of these people—half the Irish population—were dependent upon wages. Lest there should be anything new in the objection, I shall bring down on the next occasion a much stronger passage (laughter and cheers). The report goes on—

We cannot forbear expressing our strong sense of the patient endurance which the labouring classes, that is, the enormous majority of the Irish population have generally exhibited, and our belief that the people of Ireland have to suffer greater privations than any other people in Europe.

That, sir, is the description of the people given by a Commission appointed by a party who were

tained the Corn Laws, justifying them on the ground that they kept the people at a higher level than the people of any other country (cheers). But the subject does not lie there. The question was not overlooked by statesmen like Sir Robert Peel and Lord Derby. The latter nobleman introduced a bill intended to give effect to the recommendations of the committee, but that bill did not pass the House of Lords, who were always ready to accept legislative recommendations from the Tories, but a bill for the improvement of the condition of the labouring classes in Ireland was too much for them (laughter and loud Parnellite cheers). Sir J Napier also made an effort in the same direction, but that was also defeated. Then there was

THE INCUMBERED ESTATES BILL, which was passed no doubt with a good intention (hear, hear), the good intention being to take capital into Ireland, but what it really did was to sell the improvements of the tenants (loud Parnellite cheers), and besides losing their improvements the tenants lost their old landlords, who were in many cases easy-going personages who had established a *modus vivendi* with their tenants. In place of these old landlords we sent into Ireland a whole

HORDE OF NEW PROPRIETORS, who went over there to exact from the tenant the produce of his labour (cheers). By that "benefit" the tenants' improvements were taken away by a deplorable error.

LORD R. CHURCHILL—It was passed by your party.

MR. GLADSTONE—I beg your pardon. The noble lord's information is always interesting, but sometimes partial (cheers and laughter). I would say that the act was suggested by Earl Russell.

LORD R. CHURCHILL—It was passed by Earl Russell (loud cries of "Order").

MR. GLADSTONE—I am speaking of this house (hear, hear). I have not a word to say about the noble lord's party or his principles—if I knew what they were (loud laughter and cheers). I was speaking of this house, and I claim no exception for any great party in this house. Many distinctions may be drawn in respect of the land question at that period—I was not aware that any distinction could be drawn of party (hear, hear). It is the fact that this was not the action of a party, but the action of Parliament. I ask this house whether after even such a summary—the recital I have made—it is possible to deny that the landlords have been our garrison or representatives, that we have relied upon them as they have relied upon us, and that we cannot wash our hands of the responsibility for those things and the consequences of those things (hear, hear). Well, sir, we acknowledged our concern in the acts of the landlords in a different way by the Acts of 1870 and 1881. Earl Russell, who was alive at the passing of the first of these acts, was among its cordial supporters. But I won't dwell on that subject; it is beside my argument. Those acts modified most essentially the position of the landlord, and there lies from different sources this point, namely, that in my opinion Great Britain, within limits of reason, cannot divest herself of this important question of the Irish land. Having proceeded so far, I have still one important matter to argue, namely, this—or at least to tell the house a statement of the particulars—namely, whether a third of the questions which are put—the important inquiry

which I am proposing—to inflict pecuniary risk upon the people of England and Scotland, and I think I have now reached a point at which I ought to explain to the house the scheme which we are about to submit (cheers). I shall have a great number of points to mention. I will therefore mention them in a most summary manner, and I will beforehand endeavour to impress it upon hon members—though I will do my best under the circumstances, which we know are difficult—that they will only understand this measure by inspecting the bill itself. The act, sir, will

TAKE EFFECT ON THE SAME DAY WITH THE IRISH GOVERNMENT ACT.

As we think it our duty to press for the passing of this act with the Irish Government Act, so undoubtedly we provide in the bill itself that it is not to pass without the Irish Government Act. Secondly, the Legislative Body in Dublin may appoint a person or body to be what is called under the act the State authority. I shall have again to refer to that phrase, because it occurs again in various important provisions in the act. Thirdly, that

THE PURCHASES UNDER THE ACT

are to be made on a Three per Cent Stock, issued on the application probably of the Land Commission to the Treasury, and under regulations to be made by the Treasury. This Three per Cent Stock will in all likelihood be what is termed the New Three per Cents. The most obvious name which occurs to everyone is the name of Consols, but the amount of the New Three per Cents is

ONE HUNDRED AND EIGHTY MILLIONS,

quite sufficient to ensure extensive dealings; and it so happens that the mass of Irish dealings in the stocks are in the denomination of Three per Cents. I think the comparison I have heard is between five and six millions in Consols, against twenty-five or twenty-seven millions—I forget which—for the New Three per Cents, and, therefore, it is probable that that stock will be the most convenient for Irish holders. The stock is to be issued at par. It may suit the convenience of purchasers and of the Treasury to commute it into stock of a lower denomination, and it may be done with the consent of the Treasury. If it so happens that under the necessary limitations of the act stock can not be issued to vendors forthwith, scrip at the same rate of interest will be given to them in anticipation. These are general, but still not unimportant provisions. Now I will describe in a very few words what I may term the substance and the purpose of the act. I will avoid that trap into which it seems, I felt the other night about essentials and vitals. It is not difficult to say what are the principal enactments—it is extremely difficult to say, especially in the earlier stage of the discussion, what is vital and what is not (loud Opposition laughter). It is very difficult indeed, and in consequence, I suppose, of its being so difficult it is never done (Ministerial laughter and cheers). I am not aware that I ever heard a great measure introduced with a thorough going attempt to separate its enactments into two classes and to say one of them is vital and you cannot touch it and the other is not vital and you can do what you like. I will not attempt that; but I think I shall use words which shall give to hon members a sufficient idea of the sense and spirit of the measure and enable them to judge what are really its main provisions. The object of this act is to give to

ALL IRISH LANDOWNERS AN OPTION OF BEING BOUGHT OUT

on the terms of the act—to give to all Irish landowners an opening towards the exercise of that option. I will say later on how a portion may exercise it under this particular act; but the policy is—let it be distinctly understood—the policy of giving this option to all Irish landowners, to all Irish landowners as regards their rented land, and those again with certain exceptions which I will state. But I may describe them in one word. Agricultural land is a general description—please to take that for the present moment. I wish it to be understood that the act has no concern whatever with mansions, with demesnes, or with woods. I for my part am in hopes that many a nobleman and many a gentleman in Ireland will long continue to inhabit his mansion (cheers) and his demesne in

THE NEW AND HAPPIER STATE OF THINGS, and that the cause which kept him at a distance may possibly terminate in this, which I think we should all desire. I believe it to be possible, and that many of the Irish Nationalists would desire that persons of wealth and station should remain to give attention to public duties and for the exercise of their influence, and that they may become in no small degree effective and safe leaders of the people (cheers). Sir, I wish it to be understood that the spirit in which we have drawn this act is that of making on this great occasion—the use or rejection of which evidently must have an important influence on the future course of the question—the spirit in which we have drawn it is that of making the most liberal offers to the Irish landlords that we think our obligations even require, or even justify, or that we can expect the representatives of the people to accept. I come now one step nearer to my point, and I will endeavour to give a three-fold indication, which may be useful in following the leading provisions of the act. The groundwork of the act is

THE OPTION BY THE LANDLORD.

Upon that I will only say that we considered much with regard to an option to tenants, and again with regard to leaving in the act provisions more or less like those of the present Land Purchase Acts for contemplating voluntary arrangements; but we have not seen our way to incorporate them with this measure. The measure, as we have found it our duty to present it, is founded upon the landlord's option to sell. The State authority, as I explained, is to be the middle term, instead of the Treasury, between the vendor and the peasant occupier. It is through this medium that the transaction is to take place. I am speaking now of the general rules; and lastly, what we propose is, that upon the sale

THE PEASANT IS TO BECOME THE PROPRIETOR.

He is not to be, in our view, as a general rule, the occupier subject to rent-charge, or subject to be dealt with by anyone as the landlord till the expiration of a certain term, when he is to become the proprietor, but he is to become the proprietor at once, excepting that he is to be subject to a burden which I will now describe. Now, sir, as to the nature of the transaction. The State authority is to be the purchasing authority, but there are exceptions. It has appeared that it might not be well in all cases to force the very small occupiers to become proprietors if for any reason it did not suit their condition. At any rate, we do not compel the tenant of £4 and under to become the proprietor unless he wishes it. There is another and most important ex-

ception. Everyone knows the great importance in Ireland of what are called

CONGESTED DISTRICTS.

These congested districts we propose to deal with in a manner which forms an exception to the general rule. In the congested districts we propose that the State authority should be not merely the vehicle through which the purchase is to be effected and carried onward to the tenant, but in these congested districts which we propose to schedule at a certain time in the bill the State authority we propose shall be the proprietor. Undoubtedly we do not know an authority which is competent to deal with these exceptional circumstances in these cases so well as the State authority in Ireland would be, and I am bound to say we reserve for further consideration the question whether in those districts only there should be introduced the power of

COMPULSORY EXPROPRIATION

of the landlords—expropriation voluntary on the landlords part being the general basis of the bill. What are commonly known as incumbrances, and what are commonly known, I think, in Ireland as public burdens, in which phrase, if I am rightly informed, rates are not usually comprehended—what are commonly known as public burdens and incumbrances being fixed in their character, are to be taken over from the selling landlord and he is discharged from them.

MR. W. H. SMITH—Mortgages?

MR. GLADSTONE—They will be taken over as a matter of arrangement, in the transaction. The mortgages, of course, form a very easy portion of the transaction. The more difficult part of the transaction is the quit-rents, head-rents, jointures, and other miscellaneous payments; but we feel it necessary to disembarass for many reasons the State in the course of the transaction of these, and likewise from public burdens such as the tithe commutation, because otherwise we shall be in a difficulty if tithe commutation had to be divided among small holdings, which would be very inconvenient, if not altogether impracticable. The State authority will take over incumbrances of this character. I do not now speak of incumbrances in capital sums, but I am generally speaking of incumbrances in the form of annual charges—the State will take over these public burdens with the option either to continue to pay them or else to redeem them upon terms which are stated in the bill. I will not attempt to enter into them, because it will lead me into details. This I wish to state is rather an important provision. No one, as a general rule, will have the option of sale except the immediate landlord, our object being a political and a social object; and we being at the heart and root of the difficulty itself, to him we must give this option in order to bring about a relief from the dilemma (hear, hear). But his incumbrances will not carry the option of foreclosing. There are certain conditions into which I need not at the moment enter—it would only complicate the matter—but there are certain cases where the interest of the immediate landlord is, extremely small, principally the interest is in the superior one, but this I will not now attempt to explain—I only mention it. So much then for the nature, the general nature, of the transaction contemplated. Now as to the application to be made. The first condition is that this application must be as a general rule for

THE WHOLE OF THE TENANTED ESTATE.

This is a sound general rule. I can conceive no

thing more grossly unjust to the landlord than to tear his estate into rags by an arbitrary division, and therefore the rule will be that the integral estate shall form the subject of application, and the Land Court or the Land Commission—whatever I may happen to call it, it is the same thing—must determine what is one estate. But there are two exceptions to which I ought briefly to refer—one is the case of

GRAZINGS.

Grazings appear to stand in a condition very different from most agricultural property (hear hear). I leave it open to either party to apply the definition of agricultural holdings as created in the Act of 1881, and to exclude their grazings from the transaction. The other point is that it is impossible to say what sort of villages ought and what ought not to be included in the act. In a case where a village is purely subservient to the agricultural purposes of the estate I think it ought to be included in the expropriation, but in many cases it may be these villages have other shades of character, or are even essentially different. To these cases we also attach an exception, and leave a determination to the Land Commission. The next proposition I have to mention is this, that

TOWN LANDS

generally will not be included in the act (cries of "town parks")—town parks, that is what I should call them. So far as one can judge they do not belong to the same category, and will not be included. All applications received are to be registered, and all applications are to rank according to priority. The person making an application must give security to pay the costs of the application if it be not completed into a binding transaction. In certain cases the Land Commission is to be entrusted with power to refuse to entertain applications. Now, sir, I am speaking to gentlemen many of whom are much better acquainted, much more minutely acquainted than I am, with the agricultural circumstances of Ireland, but I believe I am right in saying that there are certain classes of estates in Ireland—I will not go the length of the statement of Sir James Caird on a recent occasion—but there is a certain class of estates with regard to which the real substantial natural value from circumstances is so depressed that it would be impossible to put the scale of years in the act that would really reach them. I mean we should have to go so low that it must introduce the greatest uncertainty as to the general character of the transaction. We think the best thing to do is to empower the commission to refuse to entertain applications in these exceptional cases. Now, sir, I come still nearer the central point. The basis on which we have to compute

THE PRICE TO BE PAID

to the outgoing landlord is twofold. First of all it must be taken on the rental of a certain time, subject to certain conditions; and secondly, it must be taken on a certain number of years' purchase upon that rental. Our basis is to be the net rental, and the net rental is to be ascertained by deducting the rates and outgoing. I have spoken already of public burdens and fixed incumbrances, and they will be included in the transaction. But before coming to the transaction the net rental is to be ascertained by deducting the rates and deducting the outgoing. In the outgoing I include law charges, bad debts, management, and these are the great heads and these are the main heads where arrangements have been made either for the supply by the landlords

of slates and other materials, but these I need not refer to in particular. The principle is that the deduction is to be made on all outgoing and all rates before we come to the rental, which is to be the basis of the transaction, but the rental ought to have reference to a certain time—that time must of course be a recent time. We can't go back very far, and we have thought it most equitable to take a year the selection of which would give no encouragement to any artificial action or agitation, with a view of illegitimately influencing the standard of rent. The general idea therefore, will be that it would be the rental due the year ending in November, 1885. Where there is a judicial rent it will be taken as the standard of gross rent; where there is no judicial rent we are in greater difficulty, and we introduce a provision which enables the Land Court, if it shall see cause, to take a given district of Ireland, probably an electoral division, to take the judicial rents within that division, to take Griffith's valuation within the division, to take the relation between the judicial rents and Griffith's valuation for the particular division, and to use that relation, so far as it should be found to be politic, as a guide in determining what should be the standard rental that is to be the basis of the transaction. We have also provided, in order to get over the difficulties connected with the great fluctuations in prices, that the Land Court shall

EXAMINE THE BOOKS OF THE ESTATE.

That may sound to some gentlemen not much conversant with Irish transactions a cumbrous arrangement, but we have extremely able public servants in Ireland, conversant in transactions affecting land, and we are assured by them, without the least doubter hesitation, that the examination of books will not only be practicable, but the best and by far the most practicable and simple method of getting at the important subject of the amount of the deduction. The books are to be examined over a considerable time to meet the difficulty arising from agricultural fluctuations, and we propose to fix the time at 10 years. So much with regard to the rent. Now as to the years' purchase we propose that the normal rate, if I may so call it, that is, the rent which we conceive would be applicable on a fairly well-conditioned estate in Ireland, setting apart exceptional cases, both those of extremely good and valuable estate, and I am afraid the more numerous class that fall below the average standard, the normal period would be

TWENTY YEARS' PURCHASE ON THE RENTAL

I have just described (murmurs). I want now to add some further particulars by way of explanation. An addition may be made to the sum on which the charge may be founded, in the case of arrears coming due after November, 1885, when it is shown to the satisfaction of the Land Commission that every attempt has been made to collect them, and when it has not been found practicable. An addition may be made in the case of exceptionally good estates to the period of 20 years, which is, however, to be limited to

A MAXIMUM OF TWENTY-TWO YEARS.

It is still more necessary that there should be power to direct a decrease from the 20 years in the case of estates whose condition is below the average; and it is not possible to attach a fixed limit to this decrease, because if we were to give a fixed limit we must found it on the farthest case to which it should go, and that would imply so considerable a deduction that I think it would shake confidence.

impression as to the general aim and object of the bill, which is a normal period of twenty years. The period would have by no means exclusive reference, but somewhat special reference, to small holdings. In a considerable majority of cases, after making deductions, estates divided into small holdings are less valuable than estates divided into holdings not so small. But if we attempted to meet that by naming a more limited number of years for holdings under a certain size, that would not do in all cases, because there are estates, particularly in Ulster, made up nearly entirely of small holdings, which are extremely good. For that reason, we leave this power of distinction to the Land Commission. I think, sir, that is the end of the general provision of the act which I ought to mention, with the important exception of the mode in which we are to

FIND THE MONEY

(a laugh). That is an important consideration. I come then, sir, to the third question which I have frankly stated to the house. The house is entitled to ask me and the Government—"Do you intend under this bill that the country is to undertake a great liability? You confess that you are going to make use of public credit? Do you intend under this bill that the country is to undertake a real pecuniary risk, and that Parliament is to be requested to compromise its duties as guardian of the public treasure and of the public purse?" The measure is twofold. In the first place, in my opinion, the introduction of the plan founded on the basis I now propose of introducing or building up the responsibility of an Irish State authority will not increase, but greatly diminish the public risk, the risk which is inseparable from the condition of the Treasury when it takes upon itself to become the creditor of hundreds of thousands of tenants in Ireland, and you cannot have extensive plans in Ireland without you attempt to deal with hundreds of thousands of tenants. This bill will not, in consequence of that fact, be an increase, but a diminution, of that risk. Sir, I don't hesitate to say at the end of a very long public life, a very great deal of which has been devoted to the guardianship on a sound basis of the public treasury. I could not think of submitting to Parliament an opposite principle, and I invite the most jealous scrutiny into our plan for obtaining what I call absolute security. What we are going to do is twofold—our plan is not to issue a loan, but to

ISSUE STOCK,

and, in doing this we have two things to consider—first the security for the repayment of the money, and the other is the effect this issue will have upon the general condition of public security. I not only do not deprecate but I invite examination in relation to both matters (hear, hear). The proposals we made, sir, are these: We assume (of course one of our great difficulties in this matter is to determine beforehand whether the proposal will be accepted universally, largely, or at all), we are obliged to make the best calculations or conjectures that we can; and one thing we feel is necessary, that we may be prepared to receive notices on a large scale, and that proposition we accept. The notices that come in will be limited to a certain time, but cannot remain subject to a perpetual recurrence lying over out of the ordinary road. The act we propose prescribes strictly the notice to be given, and the issue of public stock to meet them in pursuance of these notices. In respect to the notices which may be given in

1887-8, we propose to authorise the issue of a maximum of

TEN MILLIONS OF STOCK

in respect of the notices received in respect of 1887-8. We assume that the notices of that year may be very abundant if the act works well, but the transactions included in the year need not necessarily be so abundant. Therefore we authorise the issue after notice of £10,000,000, and after notice in 1888-9, or before 1888-9, we propose to authorise the issue of

£20,000,000;

and for notices given in 1889-90, or before 1889-90, we authorise the issue of

A FURTHER £20,000,000,

which gives a total of stock issuable at par, under the act, amounting in the gross to £50,000,000 if it should be all called for. The operation of the act, it will be seen, is limited in time, for no notices can be given under the act after the 31st March, 1890. The house will understand, with reference to what I hear described as a second risk, that it would not do to issue stock without carefully ascertaining whether the amount we propose to issue in twelve months should be issued at a general price of public securities. It is considered of great importance that we should maintain a very high level of price—the level which, setting aside the peculiar combination of circumstances at which our securities have been for a long time past (hear, hear). I ask, then, is £20,000,000 an amount which we may venture to issue, and yet maintain our prices? That is a question which 30 or 40 years ago it would not have been easy to answer in the affirmative. If we wanted to issue stock the Chancellor of the Exchequer had to go to the Bank of England or to the city, hat in hand, but now, on our own hook (laughter), we are in a position by means of the acts referring to Exchequer deposits and bank deposits to exercise so large a power of purchasing in the stock market as effectually to counteract any baneful influences which might otherwise exist. I give that calculation to the house with considerable confidence after having made it the subject of careful inquiry among those who have the largest experience and the greatest faculty for determining what is the point to which we may say we shall go. I am evidently open to an important observation. I have said that our policy embraces in its final scope, if they desire to avail themselves of the opportunity,

ALL IRISH LANDLORDS.

I am bound to express my hope—not on pecuniary so much as on moral and social grounds—I express my hope that many Irish landlords are in a position in which they need not dream of availing themselves of it. It is evident that what is now the value of Irish property—if we go to its total value—would certainly exceed to a very considerable extent—not £50,000,000 but £100,000,000 (hear, hear). I may say not only much exceed but very considerably exceed it. If we take the fraction of those who under no circumstances are likely to exercise the option it is obvious that a transaction of that kind would not be carried through by the new issue of £50,000,000 (hear, hear). Sir, when we commenced drawing the rudimentary sketch of this plan, the dominant idea in our minds entirely was of redeeming fully the constructive promise that we made to the Irish landlords. Therefore I certainly thought at the first moment of putting in the bill a larger figure, and the sum which on computation I found must be provided was not £50,000,000 but as much as

£130,000,000. That was the computation on which I founded the figures which I first brought before my colleagues. There were two of those colleagues in particular who had a jealousy of charging the public for Irish land, or charging it to a great extent. Those were my right hon friend the member for the Border Burghs and my right hon friend the member for West Birmingham. To their objection I certainly feel indebted for what I take is a great improvement on the bill (cheers and laughter), because although there is no change whatever in the policy of the Government, I certainly have to thank them for having set me to consider more carefully how are the relations between an Executive asking for advances over long periods and a Parliament charged with the responsibility maintaining the Public Treasury. I am not ashamed of saying that this plan is not a plan that springs upon us at a moment's notice. I have told the house of the extraordinarily unprecedented difficulties under which it has been framed (hear, hear). Amidst the pressure of Parliamentary business from day to day, I am glad to own the assistance which has been given—it is very pleasant to make it known to my colleagues as regards this question—I had the means of bridging over considerably such differences as might sub-sist between us. That matter never came, strictly speaking, to issue between us. Now, sir, as hon gentlemen may think that I have no real or substantial reason for making this reduction except what might be called meeting a popular outcry (loud cries of "Hear, hear," while Lord R Churchill made an observation which did not reach the gallery)—yes, quite the reverse, unquestionably it was our duty to do so if it was the only matter—it was our duty to do so. But, sir, we had many other things to consider, and I must say, upon consideration, quite apart from the difficulty of the probability of the acceptance of the proposals in the bill, I arrived at the deliberate conviction that it would have been a great error on our part to ask at this moment for a sum founded upon anything like an outside estimate of the probabilities of the case. I thought we ought to ask from Parliament what we thought would ensure the efficient progress of the measure if it became an operative measure, but ought to reserve to Parliament an opportunity of exercising its discretion afresh (Opposition laughter). Gentlemen don't understand. I must beg you to be very patient in this matter. You must have seen that, so far as we are concerned, there are some things which I have said that may be considered to be in the nature of pledges of good faith as between us and the landlords—to make this offer, to make it in an efficient shape, and to make it with the intention, so far as we are concerned, to follow it up if necessary, I conceived to be a matter of honour and good faith. But there are a multitude of other conditions affecting this Irish authority, conditions affecting

THE FUTURE IRISH HOUSE,

conditions affecting the Irish tenant, and conditions affecting the money market, and the nature of these issues, which are not matters of good faith even for us or are more or less not matters of good faith but are generally or universally matters of policy and expediency—I can conceive it is quite right in an arrangement of this kind, that we should secure an opportunity of exercising our judgment afresh on the subject we now submit to Parliament. So far as good faith is concerned, what I am quite certain of is this—that if Parliament

accedes to and accepts this particular bill, if it finds that the promises under which we commend the bill are fulfilled, if it finds that public credit is duly maintained, if it finds that repayments are duly made, if it finds that the whole complex machinery is so well oiled that it works like a locomotive, if they find that the public credit is safe, as we assure them it will be—in my opinion Parliament will never underestimate the moral obligation that may be comprehended in the settlement. Therefore, sir, this proposal is made subject to the declaration I have made, and I have not scrupled to declare it is made in a manner so far experimental that the discretion of Parliament on its particulars will be reserved. If you ask me precisely in what form, I remind you of the provision I have already recited—namely, that no issue can take place under the bill in respect of any notice except those lodged before 31st March, 1890, and no issue beyond the pecuniary limit I have named. Well, then, sir, you will ask me—I have not yet told you the whole of my case—you will ask me

HOW THESE PAYMENTS ARE TO BE SECURED?

(Hear, hear.) They are to be secured in a manner which I commend to Parliament as simple, as effective, and as warranted by the circumstances of the case. It is proposed that there should be appointed a

RECEIVER-GENERAL UNDER BRITISH AUTHORITY,

who shall not levy rents or other revenues in Ireland, but through whose hands all rents, all Irish revenues whatsoever, must pass before a shilling of that kind can be applied to any Irish purpose whatever. Then again it is necessary for the Irish Authority to have funds (dissent and interruption). I hope you will not prejudice me—I think I shall make my meaning and purpose clear. It is necessary for the Irish authority, if it is to govern Ireland, to have funds for the purpose of government (hear, hear). Under the plan we propose, I believe, and with the economies I have not the least doubt they will make, I believe their funds will be ample and abundant, but what we propose is that those funds shall be subject to the discharge of prior obligations, and that the right of the Irish authority to the money shall begin at the point when the prior obligations end (hear, hear). For that purpose we are not going to take the levying of rents and revenues, except under a limited arrangement as to Customs and certain Excise duties, out of Irish hands. It would be the very last thing I should desire—the thing of all others that would be most opposed to the purposes and policy of the whole act. But we are going to require that the money, after it has been levied, shall all converge and run into a certain channel, and have but one chord as between the body and the head—the head being the Irish Government—all the money must pass through the channel of the neck, and the neck is the Receiver-General (laughter). The Receiver-General may find it necessary to appoint two deputies, but he will have nothing to do with the taxpayer, except with the tax raised, and those who are receivers and collectors under it. He will be under audit, he will be liable to prosecution by the State authority, he will have sub-authority over the sub-receiver, and he will never annoy the taxpayer nor come near him, and I believe he will live behind the curtain all through (laughter). He will not be appointed the collector of the taxes. That is a function we do not wish to see in his hands. He will have the power of bring-

ing actions against the sub-receivers in the Court of Exchequer—that explains the provisions I have already mentioned to the house on a former occasion—which court will be supported in its judgments by the public force, and its proceedings will extend to everything levied in Ireland for the central purposes of the Government, and over rents, customs, and excise, and all public revenues whatever. The question of

PUBLIC CREDIT

is of interest to the Nationalists, because Ireland will, undoubtedly, have to organise a credit of her own—of that there cannot be a doubt—for public purposes will require, though I hope not to excess, but she will want to organise her own credit, and she never can organise a credit of her own to be worked economically and safely excepting she has solid ground under her feet; and this cannot be the case unless the security for all her prior engagements is absolutely guaranteed. I submit this is absolute and unimpeachable, and this will be as safe under the provisions I propose as the collection of taxes in England in the ordinary way. It will not take me long to exhibit with some exactitude the position of the four parties interested in a pecuniary sense in this plan—that is to say, the Irish landlord, the Irish tenant, the Irish State authority, and the British Exchequer. The case which I take of an Irish landlord, for the sake of simplicity, is the case of an Irish landlord who has no public burdens and no incumbrances (laughter). As I have said, they will be reckoned into the price awarded, and will form effective deductions from that price at rates specified in the bill. Therefore I should get into great confusion, and I should greatly confuse the house, if I took cases of that kind. Therefore I take the case of the Irish landlord who is so happy as to have no rates to pay. I take

THE INSTANCE OF A GROSS RENTAL OF £1,200 A YEAR.

What would be the deductions? Of course, I can only conjecture and calculate upon general information about rents, and from the best information we can obtain about particular estates; but I must observe that the circumstances of particular estates vary so enormously with regard to outgoings not only of incumbrances, that while the figure will be much too high in some cases, it will be much too low in others. I am obliged to take the average figure, which is 20 per cent. Therefore in a gross rental of £1,200 it will be reduced by deducting £240, reducing it to £960, and the normal rate of compensation at 20 years will be £19,200. Now, what will be the condition of the tenant. The tenant now pays £1,200. The maximum of what he would have to pay in his first stage on the passing and completion of the transaction will be £960, that is to say, it will be four per cent upon 20 years' purchase, not of the sum the landlord receives, but of the gross rental which he has hitherto paid. That is a maximum payment, for, as I shall show you, there is a fund out of which, if it should seem right to the State authority, some further favourable arrangement might be made. On receiving these reductions he will be subject to half rates, because

HE BECOMES AN OWNER.

He will be in the eye of the law owner as a general rule from the time the transaction is completed. This four per cent rent charge will continue for forty-nine years. The legal ownership which is retained for that period will become at the end of forty-nine years perfectly free without any annual payment unless a tax is laid on the

land by the Legislature. And now as to

THE POSITION OF THE STATE AUTHORITY

It will receive from the tenant £960. What will the State authority have to pay to the Imperial Exchequer? It will have to pay four per cent also, not, however, on the gross rental but on the net rental. Four per cent on the net rental of £960 will be £758, and the collection of the net rental, a matter upon which the Treasury have large experience, we can confidently estimate at a very low rate, 2 per cent—that is to say, £19 4s. The State authority will therefore receive £960; the total charge to him will be £787 4s. That leaves him a balance of £172 16s, or nearly 18 per cent. What is the State authority to do with this £172 16s? On the one hand it may be enlarged, because it will be larger in those cases where competition will be below twenty years—therefore it will be larger if the average is below twenty years. But then it will be subject to certain deductions—some deduction on account of the cost of conveyancing. We have thought it unfair under the bill to leave the landlord open to unknown charges to prove his title, and have fixed a moderate and low maximum charge as a cost of conveyancing; but the State authority will be liable to a somewhat heavier charge, and it will also be liable to charges in respect to redeeming quit rents, head rents, tithe commutations, and jointures, which cannot always be kept within the limit of twenty years—they can sometimes, but not always. On the whole, I have no reason to believe that these considerations will cause any great interference with the balance which I have shown should be free for the State authority, 18 per cent. We have proceeded on the principle that the State authority may in certain cases find it necessary or think it expedient to grant out of the considerable sum somewhat further remissions to the tenant. We have proceeded upon this principle, that we are not acting simply for the interest of the Irish tenants, we are acting for the interest of the Irish labourer,

FOR THE INTEREST OF THE IRISH COMMUNITY,

and it is our duty, if Great Britain is to make an effort by the use of her credit, to leave some fair portion of the resulting profit to be applied for the advantage of Ireland at large, subject to the distribution, and according to the directions, of the Irish authorities (hear, hear). I may say that in case the whole of these transactions should go forward the total sum to be subject to the discretion of the Irish authority would be not much less than £400,000 a year. Well, now, sir, a few words with respect to

THE PRESENT POSITION OF THE IRISH EXCHEQUER,

and that is the last point I have to trouble the house with. It is well that—I beg pardon, I must first of all say that the Irish Exchequer receives a maximum of £20,000,000, the interest at four per cent will be £2,000,000, and that will be cash which the Exchequer will have to receive every year from the Irish authorities through the Receiver-General, that reliable personage to whom I have already referred. How is this £2,000,000 secured? If these transactions take place the land rents which the Irish authorities will levy will be net rents, £2,500,000, and I have the best possible securities for its vigilance in levying them, first of all in the sense of right, secondly in the sense of prudence, and thirdly in the sense of necessity, inasmuch as until the prior charge is paid it cannot touch anything (a laugh). The sum will be secured in the first place on this

£2,500,000. But it will be secured also upon the balance of all the Irish revenue. It will be the first charge upon the Irish land rents and the taxes, which I have assumed at a certain figure, to be levied under the Irish authority, amounting altogether to £5,778,000. You may say to me, "There is also the Imperial contribution to be taken into view." Yes, sir, there is, and there is also a large further fund to be taken into view—namely,

THE CUSTOMS AND EXCISE.

If I add the Imperial contribution and the charge for the constabulary to the £2,000,000 which I have now spoken of in respect to the land, the sum comes out thus—We want to get £6,242,000, and that is secured upon £10,859,000, no portion of which can be applied for any purpose until the whole of our £6,242,000 has been remitted. That will secure the British credit, and is the only firm foundation for Irish credit also. There is one circumstance which should be called to the attention of the house, and it is the last on which I shall have to dwell. Some have an idea that under the arrangements of our present policy we receive from Ireland, if not all we could desire, yet enough to replenish very materially our Imperial resources. That is

A WOEFUL DELUSION.

We do nothing of the kind, and I must show that this is not so. I do not say that Ireland does not pay enough, but I will say that we receive very little, and I am bound to add, with the views I have for the unwisdom of our past policy I do not think we deserve to receive more (cheers). The contribution of the Irish taxpayer, is £6,980,000, out of which we pay back in the Irish Civil Service and the

collection thereof £1,840,000—the apparent residue seems to represent the Imperial contribution for the Army, for the Navy for the National Debt, and for Imperial civil charges—an apparent contribution of £2,000,000. Having got that sum, what do we do? Why we send an army to Ireland of 26,000 men whom we have not the power to relieve—that costs three millions of money, and thus, without any provision for debt or for the navy, absorbs £915,000 more than the balance which, as I have just said, we appear to receive from Ireland. That is economy indeed. This is a system which we want to

ROOT UP

from out the land. I might make some further addition, but I have detained the house already too long. I will detain you no longer than simply to commend to you with the utmost earnestness this bill as the complement of our policy, under the serious and earnest conviction that it is recommended both by honour, duty, and expediency—to commend it to your strict and zealous duty, and at the same time to your careful and your unbiassed examination, convinced as I am that when that examination has been given it will be recognised as a fitting part of our proceedings upon

THIS CERTAINLY GREAT AND AUSPICIOUS OCCASION, and as fitting, I won't say to adorn, but to accredit and sustain the plans of the British Legislature for the welfare of what is, has long been, and, I hope, ever will be under circumstances far happier than heretofore—an integral portion of her Majesty's dominions. The right hon gentleman resumed his seat amidst loud cheers from the Ministerial benches.

LAND PURCHASE BILL.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I.—This act may be cited as the Land (Ireland) Act, 1886.

PART I.

SALES OF ESTATES.

- II.—(1.) On and after the appointed day, and within the time limited by this act, the immediate landlord of any tenanted estate in Ireland to which this act applies may apply to the State authority to buy such tenanted estate at the statutory price, and the State authority shall cause his application to be registered, and the applications so made shall be dealt with according to priority of time.
- (2.) In the event of the purchase of the estate from the landlord being completed, the tenants of the several holdings of which such estate consists shall, except as in this act mentioned, become, as soon as may be in manner in this act mentioned; the owners in fee-simple of their holding for such consideration as is in this act mentioned; and where the tenants do not become the owners of their holding under this act, the State authority shall become the owner thereof, and dispose of the same in such manner as the State authority may think fit.
- III.—(1.) The statutory price of an estate shall be measured by the amount of the net rent of the estate.
- (2.) The net rent of an estate equals the gross rent of the estate after deducting from that rent the tithe rent-charge, if any payable, to the Land Commission, and the average percentage for expenses in respect of bad debts, rates, or cess allowed or paid by the landlord, management, repairs, and other like outgoings, if any.
- (3.) Tithe rent-charge shall be ascertained by the books of the Land Commission, and the average percentage for such expenses as aforesaid shall be ascertained in the case of each estate by taking the average percentage on the rent for the time being of such estate to which such expenses have amounted during each of the ten years immediately preceding the last gale day in the year one thousand eight hundred and eighty-five, as ascertained by inspection of the rent rolls and books of the estate, and by other evidence if necessary.
- IV.—(1.) The amount of the statutory price of an estate shall, except as in this act mentioned, be equal to twenty times the net rent of the estate, ascertained as aforesaid, and such price shall, subject to such option on the part of the person entitled to receive the same, of taking other annuities or debentures as is in this act mentioned be paid by three per cent perpetual annuities, issued under this act at par.
- (2.) There shall be added to the statutory price of an estate a sum equal to the amount of any such arrears of rent coming due after the last gale day in the year one thousand eight hundred and eighty-five, and before the date of purchase, as the Land Commission may certify that the landlord has duly endeavoured, but has been unable to collect,

and such sum shall, subject to the said option, be paid in permanent annuities to the person entitled to such arrears of rent.

V.—The consideration payable by a tenant for his acquisition of the fee-simple of his holding shall be the payment to the State authority of a capital sum equal to twenty times the amount of the gross rent of the holding, and such sum may either be paid down in whole or in part, or may be paid by an annuity during a period of forty-nine years, equal to 4 per centum per annum on such capital sum, or so much thereof as is not so paid down, but such annuity may be at any time redeemed, as in this act mentioned, provided that where the landlord is legally liable to pay for any repairs, or pays any county cess, or the whole of the poor-rate in respect of a holding, the average annual amount of such repairs and county cess and half the average annual amount of such poor-rate during the ten years next preceding the last gale day in the year one thousand eight hundred and eighty-five shall be deducted from the gross rent of the holding, calculating the consideration payable by a tenant in pursuance of this section.

PROCEDURE ON THE SALE OF AN ESTATE.

- VI.—(1.) The application by an immediate landlord desirous of selling his estate to the State authority shall be made in the prescribed manner to that authority, who shall forthwith refer the application to the Land Commission.
- (2.) The Land Commission, on the applicant giving the prescribed security for costs, shall satisfy themselves as to his being authorised to make such application according to this act.
- (3.) The Land Commission, if satisfied that the applicant is authorised to make the application, shall fix the price of the estate.
- (4.) Where the landlord and State authority have agreed on the price, the Land Commission shall fix that price as the price of the estate if satisfied that it does not exceed the statutory price.
- (5.) In the absence of such agreement the Land Commission shall ascertain the statutory price and notify the same to the landlord and the State authority.
- (6.) If the landlord on receiving such notification does not accept the price, he may within the prescribed time withdraw his application on payment of such sum for costs as the Land Commission may order, but otherwise the Land Commission shall fix the price so notified as the price of the estate.
- (7.) As soon as the price is fixed, the Land Commission shall, in the prescribed manner cause to be carried to the account of the estate the amount of such price, after deducting one per cent of such price for the costs of purchase and distribution, and the amount so carried to the account of the estate is hereafter referred to as the purchase money.
- (8.) The Land Commission shall also make such orders or do such acts as may be prescribed
- (a) For vesting each tenanted holding on the estate, except as in this act mentioned, in the tenant thereof, for an estate in fee-simple free from incumbrances but subject to any annuity due under this act for payment of the consideration payable by such tenant for the

acquisition of the fee-simple, and with and subject to all rights and easements granted and reserved: provided that the interest so vested in the tenant shall, subject to any such annuity, rights, and easements as aforesaid, be a graft upon the previous interest of the tenant in the holding, and be subject to any rights or equities arising from its being such graft; and (b) for vesting any holding of which the tenant does not in pursuance of this act become the owner in the State authority for an estate in fee-simple, free from incumbrances, with and subject to all rights and easements granted or reserved.

DISTRIBUTION OF PURCHASE MONEY.

VII.—(1.) As soon as the purchase money is carried to the account of an estate sold under this act, the claims of the immediate landlord and of all other persons (except the tenant and persons claiming under him) who are interested in the estate, whether as incumbrances or otherwise, shall attach to such purchase money in like manner as immediately before the sale they attached to the estate sold, and shall cease to be of any validity as against the estate, and subject as in this act mentioned shall be discharged or redeemed out of such purchase money, and the Land Commission shall determine the rights and priorities of the landlord and such other persons, and shall distribute the purchase money in accordance with such rights and priorities.

(2.) The distribution of the purchase money shall be effected by the transfer or appropriation in the prescribed manner to or in trust for the person entitled to the same, or any part thereof, of a sum of three per cent perpetual annuities at par, equal to the amount to which such person is entitled, subject to the option in this act mentioned of taking other perpetual annuities, or debentures, or cash, and such distribution shall be made without costs to the persons so entitled, and a reasonable sum for costs may be allowed by the Land Commission to such persons for proving their title upon such distribution, and may be paid as part of the costs of the Land Commission; provided that this provision as to the payment of costs shall not extend to any expense which is caused by disputed titles, or disputed priorities, or by unnecessary or unreasonable proceedings, or by the failure of any person to comply with the prescribed regulations, or by any other act or default of the parties which appears to the Land Commission to make it just that the parties, or any of them, should pay the costs, in which case they order such parties to pay the costs caused as aforesaid, or such part thereof as to the Commission shall seem proper.

(3.) Where the purchase money or any part thereof so appropriated or transferred is not immediately distributable, or the persons entitled thereto cannot be ascertained, or where from any other cause the Land Commission thinks it expedient for the protection of the rights of the persons interested, then, subject to the prescribed regulations, the Land Commission shall, as the case requires, either retain the same under their control, or deal with the same in manner provided by the Settled Land Act, 1882, with respect to capital money arising under that act, and may by order declare the trusts affecting such

money or share, so far as the Land Commission has ascertained the same, or state the facts or matters found by it in relation to the rights and interests therein; and the Land Commission may from time to time make such orders in respect to any purchase money or share, and the investment or application thereof, or the payment thereof, or the annual income thereof to the persons interested, as the circumstances of the case may require.

RULES AS TO INCUMBRANCES.

VIII.—(1.) Where any estate in course of sale under this act is subject to any chief rent as defined by this act, the statutory price of such chief rent shall be ascertained by the Land Commission in the manner in this section mentioned, and notice shall be given to the State authority of the amount of such chief rent, and the statutory price thereof, and such authority shall, within the prescribed time after receipt of the notice, signify, to the Land Commission, whether such authority will continue to pay the chief rent, or redeem the same forthwith, but where such chief rent is a Crown rent the same shall be redeemed forthwith.

(2.) If the State authority signify to the Land Commission their option to continue to pay the chief rent, such chief rent shall be paid out of the land revenues, in this act mentioned, but the State authority may at any time redeem the chief rent by payment of the statutory price thereof, or of any less sum which may be agreed upon between such authority and the owner of the chief rent.

(3.) Where a chief rent is redeemed forthwith, the statutory price of the chief rent shall be added to the statutory price of the estate, and, after the like deduction for costs, shall be carried to the account of the estate and, distributed in like manner as the statutory price.

(4.) The statutory price of a chief rent shall be measured by the net amount thereof, that is to say, by the sum receivable by the owner of the chief rent after deducting therefrom the like deductions ascertained in like manner as in the case of an estate, and the statutory price of such chief rent shall be equal in the case of a Crown rent, to twenty-four times, and in the case of any other chief rent to twenty-two times the amount of such net rent ascertained as aforesaid.

(5.) In ascertaining for the purpose of this act the net rent of the estate subject to a chief rent, that chief rent shall be deducted from the gross rent.

IX.—All such incumbrances other than chief rents as are not otherwise provided for in this act, shall be valued at such price as may be agreed upon between the parties interested, and if there is no agreement, at such price as may be determined by the Land Commission to be the market value thereof, subject as follows:—

(1.) Annual sums, such as jointures and other sums, payment of which depends on a life or lives, shall be valued at the then present value of such sums, according to the tables in use by the Commissioners for the Reduction of the National Debt for the grant of life annuities: provided that—(a) If the person liable to pay such jointure requests that a portion of the purchase money sufficient to meet such annual sum shall be set apart, and the annual sum shall continue to be paid, such request shall be complied with; and (b), If such person is tenant for life provision may be made

in such manner as to the Land Commission seems equitable for securing the remainderman against the loss which he might suffer by the redemption of such annual sum at the then present value.

- (2.) Drainage charges and any charges payable only for a number of years, and not being chief rents, shall be valued at their then present value, interest being taken at the rate adopted in the creation thereof, or if none was so adopted, at 3 per cent per annum.

- (3.) Capital sums shall be valued at the amount of the sums for the time being due.

X.—Where a chief rent, or headrent, or tithe rentcharge, is charged on any other estate as well as on the estate sold, the Land Commission shall apportion the chief or headrent or tithe rentcharge between the estate sold and the other estate on which the rent or rentcharge is charged in such manner as to them seems equitable, and such portion of the rent or rentcharge as is apportioned to the estate in course of sale shall alone be deemed to be the chief or headrent or tithe rentcharge chargeable on that estate.

RIGHTS OF COMMON AND OTHER RIGHTS.

- XI.—(1.)—Where any beneficial rights of common, pasturage, sporting, fishing, turbary, or cutting timber, or rights of way, or other rights are exercisable over a tenanted estate, sold under this act, or exercisable over any other land as incident to the tenure by the landlord of such tenanted estate, or where the landlord of any such estate is the owner of any timber thereon, such rights, and the ownership of such timber, shall be dealt with in the manner provided by the first schedule to this act.

- (2.) Where there is reasonable cause to suppose that there are valuable minerals under a tenanted estate sold under this act, there shall be added to the statutory price of the estate such sum as the Land Commission determine in respect of the value of such minerals, and such minerals shall vest in the State authority or in such local body as the Irish Legislature may provide, with full power to such authority or body or to persons authorised by them to enter and do everything necessary for getting the same, paying, nevertheless, compensation for all damage done in so doing to the tenant or other person who suffered the same.

- XII.—(1.) Where the tenants of any estate proposed for sale under this act have been accustomed, whether of right, or as incident to their tenancies, or by permission, to exercise or enjoy any right or privilege of turbary, common, pasturage, taking seaweed, or other right or privilege, the State authority may refuse to purchase that estate unless such arrangements are made as satisfy the Land Commission that the tenants will enjoy the same right or privilege.

- (2.) Where the landlord of any tenanted estate proposed to be sold under this act possesses any bog in the neighbourhood of such estate, the landlord may, and if the State authority so require shall, also sell such bog to the State authority, and this act shall apply to such bog as if it were part of the tenanted estate: provided that such bog shall either be vested in the State authority or in such local body as the Irish Legislature may provide for the purpose of giving to the tenants of the estate or inhabitants of the neighbourhood rights or privileges of turbary, or if the

Land Commission think fit may be apportioned among the tenants of the estate inhabitants or other persons, and in either case such payments shall be required from such tenants, inhabitants or other persons as the Land Commission consider to be sufficient to repay the State authority for the price.

MODIFICATIONS OF GENERAL TERMS OF PURCHASE.

XIII.—The Land Commission, in ascertaining the deductions to be made from the gross rent of any estate for the purpose of arriving at the net rent, shall take into account any circumstance which makes it inequitable to follow strictly the rules laid down by this act for finding the net rent, and shall deal with the case in such manner as they think most consistent with justice.

XIV.—Where a tenant of a holding on an estate in course of sale under this act holds a beneficial lease, that is to say, a lease the rent reserved by which is less than the rent which would be fixed as the judicial rent, the following provisions shall apply:—(a) In ascertaining the statutory price of the estate the gross and net rent of such holding shall be ascertained in like manner as if there were no lease, but a proper deduction shall be made from the statutory price in respect of the value of such beneficial lease, due regard being had to the additional security which the landlord has for the rent by reason of the existence of such lease. (b) In determining the consideration to be paid by the tenant in respect of his acquisition of the fee simple of his holding, an addition shall be made on account of increase of rent at the period corresponding with the end of his lease, and the terms of the annuity payable as the consideration for the purchase of his holding may be varied for that purpose, so however that he shall not be required to pay during a period corresponding with the term of his lease any sum in excess of the rent under the lease after deducting the average sum allowed in respect of poor-rate or county cess during the ten years next before the last gale day in the year one thousand eight hundred and eighty-five.

XV.—Where it appears to the Land Commission that, by reason of the character or impoverished condition of any estate or the tenants thereof the statutory price as ascertained under this act is higher than the market value of the estate, or where for any other reason it appears to the Land Commission that it is inequitable that the State authority should be required to buy an estate at the price ascertained under this act, the Land Commission may make a declaration to that effect, and thereupon the State authority shall not be required to purchase the same unless the landlord accept any lower price which the Land Commission declare to be equitable.

XVI.—Whereas in exceptional cases, it may be just that the statutory price paid for an estate should be more than twenty times the net rent of the estate as ascertained in the manner provided by this act; be it enacted that where it appears to the Land Commission that from the exceptionally good condition of an estate, or from the exceptional prosperity of the tenants, or from any other exceptional circumstance, the statutory price of twenty times the net rent would be an insufficient price, the Land Commission may award as the statutory price of such an estate, a sum not exceeding twenty-two times the net rent of the estate as ascertained in manner provided by the act.

XVII.—Where an estate sold under this act is situate in any district mentioned in the second schedule hereto, the holdings thereon shall not vest in the tenants, and the State authority on completion of sale shall become the owner thereof, and the provisions of this act respecting the vesting of holdings in the State authority shall apply.

XVIII.—A tenant of a holding valued under the acts relating to the valuation of rateable property in Ireland, at an annual value not exceeding four pounds a year may, on application to the Land Commission, express his dissent from such holding vesting in him in the manner provided by this act, and thereupon no such vesting shall take place, and the State authority shall become the owner of such holding, and the provisions of this act respecting the vesting of holdings in the State authority shall apply.

PART II.

LAND COMMISSION.

XIX.—(1.) The Land Commission for the purposes of this act shall consist of the following persons, that is to say.

(2.) If any vacancy takes place in the office of any such Commissioner her Majesty may by warrant under her Royal sign manual appoint a fit person to fill the vacancy.

(3.) The Commissioners for the purpose of this act shall continue in office during the pleasure of her Majesty, and shall each be paid, out of moneys carried to the Customs and Excise account under the Irish Government Act, 1886, such salaries as may be determined by the Treasury.

(4.) Subject to any rules that may be made in pursuance of this act any matter authorised to be done by this act may be done by any one or two of the Commissioners; but if any landlord, incumbrancer, or other person, or the State authority feels aggrieved by the decision of such Commissioner or Commissioners, such landlord, incumbrancer, person, or authority, may have his case reheard before a Court consisting of not less than three Commissioners.

XX.—(1.) The Land Commission shall have such officers for the purposes of this act and with such salaries as the Treasury may assign. Such officers may be appointed and removed in such manner as may be provided by regulations of the Treasury.

(2.) The salaries of such officers and the expenses of the Office of Land Commission shall, so far as they are not otherwise provided for by law, be paid out of moneys carried to the Customs and Excise account under the Irish Government Act, 1886.

(3.) Any officer attached to the Land Judges' branch of the Chancery Division of the High Court of Justice or to the court of either of the said judges may, with his consent, be transferred to the office of the Land Commission, or discharge such duties under this act as the Land Commission may assign to him, and in either case may be awarded such remuneration for his services as the Treasury may determine.

XXI.—The Land Commission shall be a superior court of record, and shall for the purposes of this act have, in addition to the power already possessed by them, all powers vested in or exerciseable by the Land Judges, and may exercise such powers in relation to any person or matter within their jurisdiction.

XXII.—If the Land Commission desire to have a legal decision upon any point arising in the exer-

cise of their powers under this act, the Commission may submit a case to the Court of Appeal, and the court shall hear the case as nearly as may be in like manner as if it were an appeal in an action between the persons interested in the matter, but with power for the court to make such alterations in the course of the procedure as they may think expedient in the interests of justice; and the decision of such court, or if the decision is appealed against, the final decision on the appeal in such case shall be duly observed by the Land Commission and by all persons concerned. The proceedings of the Land Commission under this act shall not be questioned save as provided by this section and shall not be restrained by mandamus, prohibition, or otherwise howsoever.

XXIII.—(1.) Subject to any rules made in pursuance of this act, where the purchase money has been carried to the account of an estate, the Land Commission may in their discretion distribute the same as funds are distributed on sales of estates in the Landed Estates Court, or may cause to be given notices calling on all persons to send in their claims against such purchase money, which notices may be given in like manner as notices given by the High Court of Justice in an administration suit for creditors and others to send in to the executors their claims against the estate of the testator.

(2.) At the expiration of the time named in such notices for sending in claims, the Land Commission may proceed to distribute the purchase money, having regard to the claims of which such Commission have then notice, and without regard to claims of which they have not notice; but nothing in the foregoing provisions of this section shall prejudice any right of the claimant to recover the money from any person liable to pay the same, nor his right to establish a claim against any part of the purchase money, which remains under the control of the Land Commission, and has not been appropriated to any claimant.

(3.) The Commission may also exclude any person who refuses or fails to produce such evidence of his claim as the Land Commission may reasonably require.

XXIV.—The Land Commission may, with the approval of the Lord Lieutenant, from time to time make, and when made, alter and revoke, rules in respect of the following matters:—(a) As to the mode in which the business is to be conducted by the Land Commission under this act, and the procedure and forms to be observed and used in carrying into effect sales under this act; (b) as to anything by this act directed to be prescribed; and (c) for carrying into effect any provisions of this act which require to be carried into effect by rule; with power to specify the manner in which the judicial business is to be separated from the administrative, but subject to the provisions of this act as to the re-hearing of cases and otherwise, and any such rules shall be of the same effect as if they were enacted in this act.

PART III.

FINANCIAL ARRANGEMENTS.

XXV.—The Treasury shall from time to time appoint a Receiver-General of the Public Revenues of Ireland (in this act referred to as the Irish Receiver-General), and

such deputies or deputy to act under him in any part or parts of Ireland as to the Treasury seem necessary for the execution of this act. Such Receiver-General and deputies shall hold office as persons serving in an established capacity in the permanent Civil Service of the State, and shall be subject generally to the directions of the Treasury, and shall be paid out of moneys provided by the Imperial Parliament such salaries as the Treasury from time to time assign.

XXVI.—All sums payable by tenants of holdings vested in them in pursuance of this act, and all sums receivable by the State authority in pursuance of this act, whether as capital or income, from any estates which are vested in them or over which they have any right, or from which they derive any profit (which sums are in this act referred to as land revenues) shall be collected by such collectors as the Irish Government may from time to time appoint for that purpose.

XXVII.—(1.) There shall be paid to the Irish Receiver-General all sums collected by a collector in respect of any tax, duty, or impost imposed or levied by or under the direction of the Irish Legislature for the public service in Ireland or collected by a collector in respect of the land revenues under this act, and all sums other than those above mentioned and payable on account or in respect of the public revenues of the Government of Ireland, whatever collector or person is liable to pay the same.

(2.) There shall also be paid to the Irish Receiver-General all moneys directed by the Irish Government Act, 1886, to be carried to the Customs and Excise account.

(3.) If default is made in payment to the Irish Receiver-General of any sum by this section required to be paid to him by any person, the person who makes such default, and the person who receives such sum in respect of which such default is made, and every person whether a member of a corporation or not, who is privy to such default, shall forfeit double such sum to her Majesty, and the Irish Receiver-General, or one of his deputies, shall take proceedings to recover such sum, and the sum when recovered shall be paid into the Consolidated Fund of the United Kingdom.

(4.) If the Irish Receiver-General under this act or any of his deputies is guilty of any malfeasance in his office, he shall forfeit to her Majesty all sums lost by such malfeasance, and also such penal sum not exceeding five hundred pounds as the court in which the forfeiture is sued for may determine; and such forfeiture and penal sum may be recovered by action on behalf of the Irish Government, and when recovered shall be paid to the Irish Consolidated Fund.

(5.) Every action or legal proceeding by or against the Irish Receiver-General or any of his deputies or deputy shall, if either of the parties thereto so desire, be heard and determined by the Exchequer Division, or one of the judges thereof, and the provisions of the Irish Government Act, 1886, with respect to legal proceedings by or against the Commissioners of Customs in the Exchequer Division, shall apply in like manner as if those provisions were herein re-enacted, and in terms made applicable to the Irish Receiver-General, and such Exchequer Division shall have for such purpose the same powers as at the passing of this act are vested in any division of the High Court of Justice.

XXVIII.—(1.) The Irish Receiver-General shall apply all sums received by him: first, in paying all sums payable out of the moneys carried under the Irish Government Act, 1886, to the account therein called the Customs and Excise Account; and secondly, in paying all sums directed by this act to be paid out of the Land Revenues or out of moneys coming to the hands of such Receiver-General.

(2.) The Receiver-General shall pay all sums which are not, or in his opinion are not likely to be, required for making the above-mentioned payments to the Irish Consolidated Fund.

XXIX.—There shall be issued and placed at the disposal of the Land Commission for the purposes of this act, in such manner and under such regulations as the Treasury from time to time may make, such sums of permanent annuities as are from time to time required for the said purposes: provided that the nominal capital amount of such annuities so issued shall not exceed (a) in respect of applications for purchase received from landlords during the financial year ending on the 31st day of March next, after the appointed day, £10,000,000; and (b) in respect of applications for purchase received from landlords during the said financial year, and the succeeding financial year, £20,000,000, with the addition of so much of the above-mentioned £10,000,000 as is not required for the applications before mentioned; and (c) in respect of applications for purchase received from landlords during the above-mentioned financial years, and the financial year next following the same, the sum of £20,000,000 with the addition of so much of the above-mentioned £30,000,000 as is not required for the applications before mentioned; but so that not more than £20,000,000 permanent annuities shall be issued in any one financial year.

(2.) The Treasury may, if they think fit, from time to time make regulations for the issue, in lieu of three per cent permanent annuities, of annuities of the same class as existing permanent annuities of lower denomination, and if such regulations are made, any person entitled to the payment of any purchase money or share of purchase money under this act may, instead of three per cent permanent annuities, receive any of such annuities of lower denomination at such prices, not less than those mentioned in the third schedule to this act and in accordance with such provisions, as may be made by the said regulations.

XXX.—Where the amount of permanent annuities authorised to be issued in any financial year is insufficient to meet the sums required in that year for the purchase money of estates sold under this act upon applications received from landlords, there shall be issued, under such regulations as the Treasury from time to time make, scrip representing the said sums for which the said annuities are so insufficient, so, however, that the aggregate capital amount of the annuities issued and the scrip shall not together exceed £50,000,000; and such scrip shall in the next financial year be exchanged under such regulations as the Treasury may from time to time make, for the like nominal amount of permanent annuities, and until so exchanged shall bear interest at the rate of three per cent per annum, which interest shall accrue from day to day, and be payable half-

yearly on the days fixed by the Treasury by the Irish Receiver-General out of moneys coming to his hands next in priority after the annual sum for interest and sinking fund of the permanent annuities issued under this act, and such scrip may be transferrable to such extent and in such manner as may be from time to time provided by the regulations of the Treasury.

XXXI—(1.) For the purposes of this act, the Treasury may create three pounds per cent per annum permanent annuities, and two pounds fifteen shillings per cent per annum permanent annuities, and two pounds and ten shillings per cent per annum permanent annuities, and such annuities and all interest from time to time due thereon should be charged on and be payable out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof at such times in each year as may be fixed by the Treasury.

(2.) The said annuities shall be created by warrant from the Treasury to the Governor and Company of the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

(3.) The said annuities shall, in manner directed by the warrant, be consolidated with annuities at the same rate of interest, and payable at the same date, and shall be transferable in the said books in like manner, as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as consistent with the tenor of those enactments.

XXXII.—(1.) For the purpose of paying the interest and sinking fund on the permanent annuities issued under this act, which annuities are in this act referred to as the Land Purchase Debt, the Irish Receiver-General shall, out of the moneys coming to his hands, pay to her Majesty's Paymaster-General an annual sum of four per cent on the nominal capital amount of the Land Purchase Debt.

(2.) Such sum shall be applied under the direction of the Treasury in paying the interest on a portion of the National Debt equal to the amount of the Land Purchase Debt, or so much thereof as has not been redeemed, and the remainder shall be paid to the Commissioners for the Reduction of the National Debt, and shall be applied by them in the redemption of the National Debt in like manner as if it were part of the new sinking fund.

(3.) As soon as an amount of the National Debt equal to the Land Purchase Debt has been redeemed by payments under this section the said annual sum shall cease to be payable.

(4.) Where the consideration payable by a tenant in respect of the acquisition of the fee-simple of his holding under this act is wholly or partly paid down, or any sum is paid for the redemption of the whole or part of any annuity payable on account of such consideration, or is paid on the sale of any estate or holding or minerals or timber by the State authority, or otherwise, any sum in the nature of capital is paid in respect of any estate sold under this act, the consideration or sum so paid shall be paid to the Irish Receiver-General, and shall be paid by him to the Commissioners for the Reduction of the National Debt, and shall be applied by them

as part of the sums received under this act for the redemption of the National Debt, and the Treasury shall thereupon reduce proportionately the said annual sum.

XXXIII.—The Treasury shall from time to time make such regulations to provide for broken periods, whether as regards the interest on annuities created under this act or as regards the annual sum payable by the Irish Receiver-General in respect of such annuities, or otherwise in connection with the financial arrangements under this act as they from time to time find most convenient for the public service.

XXXIV—(1.) Subject to the provisions of any act passed by the Irish Legislature, the Irish Government may from time to time issue land debentures in such form and for such period, and payable off in such manner, and bearing such rate of interest, not exceeding the rate of three per cent. per annum, payable by coupons or otherwise, as the regulations of such Government may provide, so, however, that the total amount of such debentures shall not exceed £5,000,000.

(2.) Such debentures, or the cash raised by such debentures, shall be placed at the disposal of the Land Commission for the purpose of paying to the persons interested the purchase money of estates sold under this act, and shall not be applied otherwise, and subject to the prescribed regulations, any person entitled to payment of any such purchase money or any share thereof may, at his option, take in lieu of permanent annuities any such debenture or cash which is available for such payment.

(3.) The principal and interest of such debentures shall be charged on the sums coming into the hands of the Irish Receiver-General next after the charge of any other sums charged thereon under this act.

(4.) Subject to the provisions of any act of the Irish Legislature the provisions of the Land Debentures (Ireland) Act, 1865, shall so far as consistent with the tenor thereof apply to all debentures issued in pursuance of this act.

XXXV.—The Treasury, if the Irish Government so request, may from time to time make out of the Consolidated Fund of the United Kingdom advances equal to the sums deducted by the Land Commission for the payment of costs from the statutory price of estates sold under this act, and such advances shall be applied in payment of the costs of the Land Commission, and shall be repaid to the said Consolidated Fund within a period not exceeding ten years from the date of the advances, out of moneys coming into the hands of the Irish Receiver-General, and interest at the rate of three per cent per annum shall be paid out of the same money on so much of the advances as is for the time being outstanding. All other costs of the Land Commission incurred in the execution of this act shall be defrayed out of moneys coming into the hands of the Irish Receiver-General.

PART IV.

SUPPLEMENTAL PROVISIONS.

XXXVI.—The Irish Government shall establish a registry of title, and all estates and holdings under this act shall be entered on such register. Subject to any act of the Irish Legislature, stamp duty shall be payable on any order vesting an estate in any tenant or the State authority under this act, and shall be paid by such tenant or State authority. The rules in the fourth schedule hereto providing for the mode in which a registry is to be established and the effect of such registry, shall apply to any registry of title established under this act, and

shall have the same effect as if they were enacted in the body of this act. The interest of a tenant in any holding which may be acquired under the provisions of this act, or the fee-simple in which has been acquired under the provisions of the Irish Church Act, 1869, or the Land Law (Ireland) Act, 1881, or the Purchase of Land (Ireland) Act, 1885, shall be for all purposes personal estate, without prejudice to any interest acquired by any dealing with or devolution of such holding before the passing of this act.

XXXVII.—Every annuity payable by a tenant in pursuance of this act shall be a charge on the holding subject thereto, having priority over all existing and future estate, interests, and incumbrances, and such sum shall be recoverable by the State authority, or by any officer of that authority, in such manner as may be provided by act of the Irish Legislature, and until such provision is made in the manner provided by Part III of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, as if the annuity were such an advance as mentioned in those acts, and the State authority were the board therein mentioned. A certificate purporting to be under the seal of the State authority or of any officer of that authority shall be evidence that the amount of any annuity or arrears of annuity stated therein to be due under this act in respect of any holding named therein is due to the authority in respect of such holding. Any such annuity as aforesaid may be redeemed by the person for the time being liable for the same in the manner provided by Section 51 of the Landlord and Tenant (Ireland) Act, 1870, or by Section 28 of the Land Law (Ireland) Act, 1881, or by Section 4 of the Purchase of Land (Ireland) Act, 1885, and the table in the schedule to that act.

XXXVIII.—So long as a holding is subject to any charge in respect of an annuity under this act, the following conditions shall be imposed on such holding; that is to say—(a) The holding shall not be subdivided or let by the owner thereof without the consent of the State authority; (b) where the owner subdivides or lets any holding or part of the holding in contravention of this section, the State authority may cause the holding to be sold; (c) where the title to the holding is divested from the owner by bankruptcy, the State authority may cause the holding to be sold; (d) where on the death of the owner the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the State authority may require the holding to be sold within twelve months after the death of the owner to some one person, and if default is made in selling the same the State authority may cause the same to be sold. With respect to any such sale and the application of the proceeds thereof, the State authority shall have the same power as is given to the Land Commission in relation to sales by Section 30 of the Land Law (Ireland) Act, 1881, as amended by the Purchase of Land (Ireland) Act, 1885, and that section as so amended shall apply accordingly.

XXXIX.—(1.) Any immediate landlord who holds the estate on trust for any other person may, without prejudice to any power conferred by the Conveyancing and Law of Property Act, 1881, or by the instrument creating the trust or otherwise, require the State authority to buy the estate under this act, and may do all acts necessary for effecting such sale, and if the estate cannot otherwise be sold, may agree to accept a price lower than the statutory price.

(2.) Without prejudice to any such power as aforesaid any person holding on trust for any other person an incumbrance on an estate may, with a view to induce the landlord of such estate to exercise his option of selling the same under this act, agree to reduce the amount due in respect of such incumbrance, or to commute or otherwise deal with the same in such manner as he may think expedient, having regard to the advantages to be derived from the conversion of the estate into annuities or money, or may purchase from the landlord the right to exercise his option.

(3.) A person may exercise his discretion under this section in the same manner as if he were the absolute beneficial owner of the estate or incumbrance, and he shall not be liable to have the discretion exercised by him in good faith reviewed in any court of law or equity, or be subjected to any liability in respect of the exercise thereof.

XL.—Where a married woman, entitled for her separate use, and not restrained from anticipation, is desirous of giving any consent, doing any act, or becoming party to any proceeding under this act, she shall be deemed to be an unmarried woman, but when any other married woman, who is by law incapable of giving her consent or of becoming a party under this act, is desirous of making any application, giving any consent, or becoming party to any proceeding under this act, she shall be examined in the prescribed manner, and if the Land Commission ascertain that she is acting freely and voluntarily she may make such application, do such act, or give such consent as if she were unmarried, and the Land Commission may, where it sees fit, appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this act, and may from time to time remove or change such next friend.

XLI.—Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this act in relation to any land or incumbrance on land, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such application, give such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this act; where there is no guardian or committee of the estate of any such person as aforesaid, being infant, idiot, or lunatic, or where any person is of unsound mind or incapable of managing his affairs, but has not been found lunatic under an inquisition, it shall be lawful for the Land Commission to appoint a guardian of such person for the purpose of any proceedings under this act, and from time to time to change such guardian.

XLII.—If in the course of any proceedings before the Land Commission in pursuance of this act any person concerned in such proceedings with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document or of any fact, the person so suppressing, attempting to suppress, or privy to suppression, shall be guilty of a misdemeanour, and upon conviction on indictment shall be liable to be imprisoned for a term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding five hundred pounds as the court before

which he is tried may award.

XLIII.—All tithe rent charge payable to the Land Commission in respect of any estate sold under this act shall be paid by the Irish Receiver-General out of moneys coming into his hands for a period of forty-nine years from the date of the sale of such estate, unless the same is previously redeemed in the manner provided by an act of the Legislature of Ireland, but so long as any charge guaranteed by the Treasury on such tithe rent-charge is unpaid the term of such redemption shall be assented to by the Treasury before the passing of such act.

PART V. ESTATE.

XLIV.—For the purposes of this act "an estate" means any land which the Land Commission may by order declare to constitute an estate within the meaning of this act. "Tenanted estate" means any estate in the occupation of tenants, including any part of such estate which, though temporarily unlet, is ordinarily let to tenants, including also any part of an estate let for the purposes of agistment, or temporary depasturage. Townparks, houses in villages, and other houses, which are held as part of or as incidental to any estate in the course of sale under this act may be treated for the purposes of this act as part of such estate.

XLV.—This act shall not apply to—

- (1.) Any estate which is not in the main agricultural or pastoral in its character, or partly agricultural and partly pastoral; nor to
- (2.) Any estate which is within the limits of a town; nor to
- (3.) Any estate or part of an estate which is demesne land, or is or forms part of a home farm, or is ordinarily occupied by a landlord; nevertheless, such estate or part may on the request of the landlord, be purchased by the State authority, if such authority think fit, at a price not exceeding the agricultural value thereof, and shall be vested in the State authority as owner thereof, and the proceedings of this act with respect to the vesting of estates in the State authority shall apply accordingly. Where any holding let to be used wholly or mainly for the purposes of pasture, and valued under the acts relating to the valuation of rateable property in Ireland at an annual value of not less than £50 forms part of any estate proposed to be sold by the landlord, the landlord may, if he thinks fit, exclude such holding from the sale, and nevertheless require the State authority to purchase the remainder of his estate. On the other hand, if the landlord wishes to include any such holding in the sale of his estate, the State authority may, if they think it expedient so to do, refuse to purchase such holding.

LANDLORD.

XLVI.—"The immediate landlord of a tenanted estate" means the person whatever his interest may be in the estate, who at the introduction of this act into Parliament, that is to say, on the seventeenth day of April, one thousand eight hundred and eighty-six, was the immediate landlord or person entitled as landlord, and not as agent or receiver, to receive the rent or take possession of the holdings on such estate, and that notwithstanding that a receiver has been appointed by a court, or a mortgagee, or otherwise.

XLVII.—The option of sale conferred on the immediate landlord by this act may be transferred by the immediate landlord to any other

person by deed or will, or, if not bequeathed, may pass by devolution on death, but, save as aforesaid, shall not be transferred to any person by law or otherwise without the voluntary act of the immediate landlord. Any person entitled to exercise an option derived from an immediate landlord in pursuance of this act, shall be deemed for the purpose of this act to be the immediate landlord. Subject to rules under this act, where the immediate landlord as defined by this act of any estate himself pays rent in respect of such estate to a superior landlord, he shall, at the prescribed time, give notice to such superior landlord of his intention to exercise the option of sale, and if such superior landlord objects to the exercise thereof by the inferior landlord, the superior and inferior landlords may agree as to the terms on which they or one of them may exercise such option, or in the event of disagreement, the superior landlord may apply to the Land Commission to substitute him for the inferior landlord, and the Land Commission may substitute the superior landlord for the inferior landlord on the superior landlord purchasing the estate of the inferior landlord at such price as the Land Commission may think just; and so if there are more superior landlords than one, each superior landlord may by agreement be substituted for the next inferior landlord, or may purchase his interest in manner hereinbefore mentioned at a price to be determined by the Land Commission. Where there is a succession of landlords deriving title from one another, the earlier in such succession is deemed to be the superior of the next below in succession, and the next below in succession to be the inferior landlord to the landlord next above. Subject to rules under this act, where the immediate landlord, on being applied to by a superior landlord to exercise the option of sale, refuses to do so, the landlord aggrieved by such refusal may apply to the Land Commission, and if it appears to such Commission that by reason of the smallness of the interest possessed by the immediate landlord, or for any just cause, it is inequitable that the immediate landlord should refuse to exercise his option, the Land Commission may substitute the landlord so applying for the immediate landlord, on his paying, or undertaking to pay out of the purchase-money, to the immediate landlord such sum if any as to the Land Commission may seem just. Where in the case of an estate sold under this act the gross rent received by a superior landlord from any inferior landlord under a lease granted to such inferior landlord is or will when apportioned be less than one-fifth part of the gross rent of the estate sold under this act, and the interest of such inferior landlord in the estate is equal to or more than one hundred years in duration at the time of the sale, such rent shall be deemed to be a chief rent, and such superior landlord shall be dealt with as a person entitled to a chief rent, and not as a landlord. Subject to the prescribed regulations, where there is a tenanted estate the ultimate reversion of which belongs to one owner, but parcels of which are divided amongst divers immediate landlords, the State authority may, on the application of the several landlords entitled to exercise a landlord's option, purchase the whole of such estate, and the sale shall be conducted by such persons as the immediate landlords may agree upon, or may in the event of dispute be determined by the Land Commission. Any question which may arise as to whether a person is a landlord or immediate landlord within

the meaning of this act, or with respect to the landlord entitled to exercise the option of sale under this act, shall be determined by the Land Commission.

XLVIII.—A landlord shall not be entitled to make an application for the sale of his estate under this act after the thirty-first day of March, one thousand eight hundred and ninety and any such application if made shall not be entertained by the State authority.

The priority of applications made to the State authority on the same day shall be determined by lot in the prescribed manner.

INCUMBRANCES.

XLIX.—In the construction of this act unless the context otherwise requires,

“Incumbrances” means and includes headrents, mortgages, jointures, annual charges, and all other pecuniary outgoing on land, whether capital sums or annual sums, with the exception of the rents payable by the tenants on the estates, of rates, cess, and of tithe rent charge, payable to the Land Commission; but does not include rights of common, way, water, sporting, fishing or turbary, rights to timber and minerals, and other like rights or easements.

“Head Rent” means any Crown rent, quit rent, fee-farm rent, or other rent or rent charge, but does not include tithe rent charge payable to the Land Commission, and does not include the rent payable by a tenant as defined by this act.

“Chief Rent” means any head rent as so defined the gross amount of which is or when apportioned as in this act provided will be less than one-fifth of the gross rent of the estate in respect of which the same is paid.

“Crown Rent” includes any quit rent due to the Crown.

“Incumbrancer” includes all persons owning or interested in any incumbrance, as herein defined.

TENANT.

L.—In the construction of this act, unless the context otherwise requires, “contract of tenancy,” means a letting or agreement for the letting of land for a term of years, or for lives, or for lives and years, or from year to year, or for a year certain, or for any less term.”

“Tenant” means a person occupying land under a contract of tenancy, and includes the successors in title or occupancy to a tenant, but where the tenant sublets part of his holding with the consent of his landlord he shall, notwithstanding such subletting, be deemed for the purposes of this act to be still in occupation of the holding.

“Holding” means the land occupied by a tenant under a contract of tenancy. Where any doubt exists as to who is the tenant in whom a holding forming part of an estate purchased under this act should vest, the Land Commission shall decide such doubt in such manner and upon such terms of payment or compensation as they think just.

LI.—In the construction of this act unless the context otherwise requires,

“Gross rent of an estate” means the aggregate of the gross rents of all the holdings on that estate as the same were payable on the last gale day in the year one thousand eight hundred and eighty-five.

“Gross rent” of a holding means—

- (1.) The judicial rent of such holding, and
- (2.) Where a judicial rent has not been fixed in the case of any holding, then there may be found the average rate by which the rents previous to the date of the passing of this act fixed by the Land Commission in the

same electoral division exceed or are less than Griffith's valuation of the holding, and the gross rent of any holding may be deemed to be fixed at such average rate over or under Griffith's valuation, and this rule may be applied whether such holding is or is not a holding for which a judicial rent can be fixed. Provided that if a landlord selling an estate or the tenant of any holding is dissatisfied that the gross rent of a holding other than a judicial rent should be ascertained in the manner above provided, he may apply to the Land Commission to fix a judicial rent for such holding, and the Commission (notwithstanding the Land Law (Ireland) Act, 1881, does not apply to such holding) shall fix for the purposes of this act a judicial rent for such holding, and the cost of so fixing the judicial rent may, if the application appears to the Land Commission to have been groundless, be ordered to be paid by the applicant. Provided that this act shall not, nor shall any act to be passed by the Irish Legislature, impair any obligation arising from contract or judicial decision under the Landlord and Tenant (Ireland) Act, 1870, and the Land Law (Ireland) Act, 1881, and any acts amending the same, or any of such acts.

GENERAL DEFINITIONS.

LII.—In the construction of this act, unless the context otherwise requires—

“State authority” means such person or body of persons or department of the Irish Government, as the Irish Legislature may determine for the purposes of this act, or until such Legislature so determine, as may be appointed by the Irish Government, and subject to any act of the Irish Legislature any such person or body of persons, or department shall, until and unless otherwise provided by the Irish Legislature, be deemed to be incorporated and entitled to hold land for the purposes of this act, and any act of such State authority may be testified in such manner as the State authority may from time to time determine.

“Treasury” means the Commissioners of her Majesty's Treasury.

“Prescribed” means prescribed by rules made in pursuance of this act.

“Town” means any town corporate, town subject to the control of commissioners appointed in pursuance of any Act of Parliament, or any town having a market or fair, or any town within the meaning of the Landlord and Tenant (Ireland) Act, 1870.

“Person” and “landlord” respectively include a body of persons, corporate or unincorporate, also the Crown, and any commissioners or persons holding or having the management of property on behalf of the Crown.

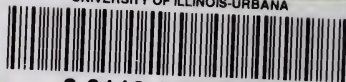
“Expenses of management” means agent's, receivers', or stewards' fees or salary, and expenses allowed to them in their accounts for travelling, valuations, maps, scrivenery, stamps, bailiffs' salary, and costs of legal proceedings against tenants for recovery of rent.

COMMENCEMENT AND APPLICATION OF ACT.

LIII.—This act shall come into operation on the day determined by order of her Majesty in Council, made in pursuance of the Irish Government Act, 1886, to be the day on and after which the Irish Legislature is declared to be established; and such day is in this act referred to “as the appointed day.”

This act shall apply to Ireland only.

UNIVERSITY OF ILLINOIS-URBANA



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